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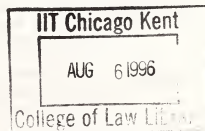
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Rules of Governmental Agencies

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TABLE OF CONTENTS

August 2, 1996 Volume 20, Issue 31

PROPOSED RULES

LABOR, DEPARTMENT OF	
Minimum Wage Law	
56 Ill. Adm. Code 210	10254
PUBLIC AID, DEPARTMENT OF	
Food Stamps	
89 Ill. Adm. Code 121	10263
Medical Payment	
89 Ill. Adm. Code 140	10286
Related Program Provisions	
89 Ill. Adm. Code 117	10303
REHABILITATION SERVICES, DEPARTMENT OF	
Assessment For Determining Eligibility And Rehabilitation Needs	
89 Ill. Adm. Code 553	10305
Services	
89 Ill. Adm. Code 590	10307
STATE POLICE, DEPARTMENT OF	
Gang Crime Witness Protection Act	
20 Ill. Adm. Code 1275	10313
STUDENT ASSISTANCE COMMISSION, ILLINOIS	
Illinois Incentive For Access (IIA) Program	
23 Ill. Adm. Code 2736	10315

ADOPTED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Appeal Of Child Abuse And Neglect Investigation Findings	
89 Ill. Adm. Code 336	10317
Reports Of Child Abuse And Neglect	
89 Ill. Adm. Code 300	10328
EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS	
Functions And Planning Program	
23 Ill. Adm. Code 2310	10336
INSURANCE, DEPARTMENT OF	
Pre-Licensing And Continuing Education	
50 Ill. Adm. Code 3119	10340
REHABILITATION SERVICES, DEPARTMENT OF	
Prescreening	
89 Ill. Adm. Code 681	10366

Projects With Industry	
89 Ill. Adm. Code 640	10371
Services	
89 Ill. Adm. Code 590	10375

EMERGENCY RULES

PUBLIC AID, DEPARTMENT OF	
Related Program Provisions	
89 Ill. Adm. Code 117	10381
REHABILITATION SERVICES, DEPARTMENT OF	
Assessment For Determining Eligibility And Rehabilitation Needs	
89 Ill. Adm. Code 553	10385
STATE POLICE, DEPARTMENT OF	
Gang Crime Witness Protection Act	
20 Ill. Adm. Code 1275	10390
STUDENT ASSISTANCE COMMISSION, ILLINOIS	
Illinois Incentive For Access (IIA) Program	
23 Ill. Adm. Code 2736	10397

PEREMPTORY RULES

AGRICULTURE, DEPARTMENT OF	
Meat And Poultry Inspection Act	
8 Ill. Adm. Code 125	10403

NOTICE OF PUBLIC INFORMATION

ENVIRONMENTAL PROTECTION AGENCY	
Notice Of Proposed Settlement-People V.A.B. Dick Co., et al	10416

REGULATORY AGENDA

BANKS AND REAL ESTATE, OFFICE OF	
Real Estate Appraiser Certification	
68 Ill. Adm. Code 1455, et al	10417
REHABILITATION SERVICES, DEPARTMENT OF	
Appeals And Hearings	
89 Ill. Adm. Code 510, et al	10421

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received	10434
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EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

96-346	Disaster Areas-13 Northern Illinois Counties	10435
96-347	Grundy And LaSalle Counties	10435
96-348	Inner-City Games Day	10436
96-349	Paul C. Blume Sr. Commended	10436
96-350	Pom Pon Appreciation Day	10436
96-351	Welcome Wagon Week	10437
96-352	Child And Youth Care Workers Week	10437
96-353	Housekeepers Week	10437
96-354	Village of Lisle/Lisle Area Chamber of Commerce Commended	10438

REGISTER PUBLICATION SCHEDULE 1996

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996	June 25, 1996	July 2, 1996	28	July 12, 1996
Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996	July 2, 1996	July 9, 1996	29	July 19, 1996
Jan. 2, 1996	Jan. 9, 1996	3	Jan. 19, 1996	July 9, 1996	July 16, 1996	30	July 26, 1996
Jan. 9, 1996	Jan. 16, 1996	4	Jan. 26, 1996	July 16, 1996	July 23, 1996	31	Aug. 2, 1996
Jan. 16, 1996	Jan. 23, 1996	5	Feb. 2, 1996	July 23, 1996	July 30, 1996	32	Aug. 9, 1996
Jan. 23, 1996	Jan. 30, 1996	6	Feb. 9, 1996	July 30, 1996	Aug. 6, 1996	33	Aug. 16, 1996
Jan. 30, 1996	Feb. 6, 1996	7	Feb. 16, 1996	Aug. 6, 1996	Aug. 13, 1996	34	Aug. 23, 1996
Feb. 6, 1996	Feb. 13, 1996	8	Feb. 23, 1996	Aug. 13, 1996	Aug. 20, 1996	35	Aug. 30, 1996
Feb. 13, 1996	Feb. 20, 1996	9	Mar. 1, 1996	Aug. 20, 1996	Aug. 27, 1996	36	Sept. 6, 1996
Feb. 20, 1996	Feb. 27, 1996	10	Mar. 8, 1996	Aug. 27, 1996	Sept. 3, 1996	37	Sept. 13, 1996
Feb. 27, 1996	Mar. 5, 1996	11	Mar. 15, 1996	Sept. 3, 1996	Sept. 10, 1996	38	Sept. 20, 1996
Mar. 5, 1996	Mar. 12, 1996	12	Mar. 22, 1996	Sept. 10, 1996	Sept. 17, 1996	39	Sept. 27, 1996
Mar. 12, 1996	Mar. 19, 1996	13	Mar. 29, 1996	Sept. 17, 1996	Sept. 24, 1996	40	Oct. 4, 1996
Mar. 19, 1996	Mar. 26, 1996	14	Apr. 5, 1996	Sept. 24, 1996	Oct. 1, 1996	41	Oct. 11, 1996
Mar. 26, 1996	Apr. 2, 1996	15	Apr. 12, 1996	Oct. 1, 1996	Oct. 8, 1996	42	Oct. 18, 1996
Apr. 2, 1996	Apr. 9, 1996	16	Apr. 19, 1996	Oct. 8, 1996	Oct. 15, 1996	43	Oct. 25, 1996
Apr. 9, 1996	Apr. 16, 1996	17	Apr. 26, 1996	Oct. 15, 1996	Oct. 22, 1996	44	Nov. 1, 1996
Apr. 16, 1996	Apr. 23, 1996	18	May 3, 1996	Oct. 22, 1996	Oct. 29, 1996	45	Nov. 8, 1996
Apr. 23, 1996	Apr. 30, 1996	19	May 10, 1996	Oct. 29, 1996	Nov. 4, 1996 (Mon.)	46	Nov. 15, 1996
Apr. 30, 1996	May 7, 1996	20	May 17, 1996	Nov. 4, 1996	Nov. 12, 1996	47	Nov. 22, 1996
May 7, 1996	May 14, 1996	21	May 24, 1996	Nov. 12, 1996	Nov. 19, 1996	48	Dec. 2, 1996 (Mon.)
May 14, 1996	May 21, 1996	22	May 31, 1996	Nov. 19, 1996	Nov. 26, 1996	49	Dec. 6, 1996
May 21, 1996	May 28, 1996	23	June 7, 1996	Nov. 26, 1996	Dec. 3, 1996	50	Dec. 13, 1996
May 28, 1996	June 4, 1996	24	June 14, 1996	Dec. 3, 1996	Dec. 10, 1996	51	Dec. 20, 1996
June 4, 1996	June 11, 1996	25	June 21, 1996	Dec. 10, 1996	Dec. 17, 1996	52	Dec. 27, 1996
June 11, 1996	June 18, 1996	26	June 28, 1996	Dec. 17, 1996	Dec. 23, 1996 (Mon.)	1	Jan. 3, 1997
June 18, 1996	June 25, 1996	27	July 5, 1996	Dec. 23, 1996	Dec. 31, 1996	2	Jan. 10, 1997

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Minimum Wage Law
- 2) Code Citation: 56 Ill. Adm. Code 210
- 3) Section Number(s):
210.110 Proposed Action
210.110 Amendment
210.925 New Section
- 4) Statutory Authority: Implementing and authorized by the Minimum Wage Law (820 ILCS 105).
- 5) A. Complete Description of the Subjects and Issues Involved: The proposed rulemaking will:
- A) Implement Public Act 89-453 (codified at 820 ILCS 105/1a (2) (E)), an amendment to the Minimum Wage Law that exempts certain radio and television stations in small communities from paying overtime to announcers, news editors, and chief engineers; and
- B) Provide a procedure for the Director of the Illinois Department of Labor to grant continuances in informal investigative conferences.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: To carry out the purposes of the Minimum Wage Law, to prevent the circumvention or evasion thereof, and to safeguard the wage requirements established by the Act.
- 11) Time, Place and Manner in which interested persons may comment on the proposed rulemaking: In writing, within 45 days after the publication of this proposed rulemaking in the Illinois Register to:
- Scott D. Willer, Chief Legal Counsel
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601
(312) 793--8111

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this proposed rulemaking will affect small business as that term is defined by 5 ILCS 100/1-75.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on which this rulemaking was summarized? July 1996
- The full text of the proposed rules begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER I: DEPARTMENT OF LABOR

SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 210

MINIMUM WAGE LAW

SUBPART A: GENERAL PROVISIONS

Section	Application of the Act
210.100	210.100
210.110	210.110
210.120	The Use of Federal Definitions of Various Terms
210.130	Length of Coverage for an Employer
210.140	Uniforms
210.150	Forbidden Activity Covered by Other Laws
210.160	Communication with the Department and the Director

SUBPART B: ESTABLISHMENT OF MINIMUM WAGE ALLOWANCE FOR GRATUITIES

Section	Meals and Lodging
210.200	210.200

SUBPART C: SEX DISCRIMINATION

Section	Sex Discrimination
210.300	210.300

SUBPART D: OVERTIME

Section	Determining Workweek for Overtime
210.400	210.400
210.410	Exclusions from the Regular Rate
210.420	Necessity for Determination of Overtime
210.430	Methods of Computing Overtime
210.440	Overtime-General

SUBPART E: EMPLOYMENT OF AN INDIVIDUAL WITH A DISABILITY AT A WAGE LESS THAN THE MINIMUM WAGE RATE

Section	Application for a License to Employ an Individual with a Disability at a Wage Less than the Minimum Wage Rate
210.510	210.510
	Criteria Used to Establish the Necessity of a Sub-Minimum Wage

SUBPART F: EMPLOYMENT OF LEARNERS AT A WAGE

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

LESS THAN THE MINIMUM WAGE RATE

Section	General Provisions
210.600	210.600
210.610	Application to Employ a Learner
210.620	Employing More Than One Learner
210.630	Basic Learner Training Requirements
210.640	Student Learners in Work Study Programs

SUBPART G: RECORDS, POSTING AND NOTICE REQUIREMENTS

Section	Contents of Records
210.700	210.700
210.710	Identification of Learner or Individual with a Disability
210.720	Minimum Records of Gratuities
210.730	Records Kept Outside of the Business Premises
210.740	Notice to Employers - Copies of the Act and Rules and Regulations

SUBPART H: INSPECTION PROCEDURE

Section	Investigations
210.800	210.800
210.810	Investigation Procedures
210.820	Enforcement Procedures

SUBPART I: INFORMAL INVESTIGATIVE CONFERENCE

SUBPART I: ON INSPECTION RESULTS

Section	Request for Review by Employer Subject to an Inspection
210.900	210.900
210.910	Petition to Intervene by Employee or Former Employee Covered by an Inspection

Section	Convening an Informal Investigative Conference
210.920	210.920
210.925	Continuances of Informal Investigative Conference
210.930	Application of the Rules of Evidence - Readings and Procedures in an Informal Conference
210.940	Attendance at Informal Investigative Conference
210.950	Conclusive Conduct in Informal Investigative Conference
210.960	Telephone Conference
210.970	Request for Review

SUBPART J: ASSESSMENT OF PENALTIES AND PUNITIVE DAMAGES

Section	Assessment and Notice of Underpayment, Penalties, and Punitive Damages
210.1000	210.1000
210.1010	Employer Conduct Deemed Willful
210.1020	Uncontested Payment of Underpayments, Penalties, and Punitive Damages

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 210.1030 Damages
Exception to Notice of Underpayments, Penalties, and Punitive Damages
- 210.1040 Informal Investigative Conference on the Assessment of Underpayments, Penalties, and Punitive Damages
- 210.1050 Final Determination of Penalties and Punitive Damages

AUTHORITY: Implementing and authorized by of the Minimum Wage Law [820 ILCS 105].

SOURCE: Adopted at 19 Ill. Reg. 6576, effective May 2, 1995; amended at 20 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 210.110 Definitions

"Act" means Minimum Wage Law [820 ILCS 105].

"Agriculture" means farming in all of its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, raising of livestock, poultry, or other domestic animals, raising of fur-bearing animals, and the raising of live-stock, bees, fur-bearing animals, or poultry, and any practices (including forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market, but not the operation of processing such commodities and any activities subsequent to such operation. Agriculture shall not include the cultivation, growing, harvesting, or preparation for the storage or marketing of Christmas trees, as defined in the regulations promulgated under the Fair Labor Standards Act of 1938, at 29 C.F.R. 80.200-80.209 (1994, no subsequent dates or editions), as amended 36 FR 30309. The phrase "incident to or in conjunction with" shall not include construction by a private contractor of farm buildings on a farm.

"Any individual permitted to work in domestic service in or about a private home", as used in Section 3(d)(3) of the Act, means a person whose primary duty is to perform non-commercial labor ordinarily carried out by a family member (in or about his/her immediate family's private home) without wages, including but not limited to: housekeeping, cooking, laundry, baby sitting, gardening, dog walking, running errands, chauffeuring of automobiles for family use, butler, valet, maid, governess or night watch services. The phrase shall not include a person whose primary duty is to be a companion for

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

individual(s) who are aged or infirm or a worker whose primary duty is to perform health care services in or about a private home.

"Aquaculture" means the controlled propagation, growth and harvest of aquatic organisms, including but not limited to fish, shell fish, mollusks, crustaceans, algae and other aquatic plants, as defined in the Aquaculture Development Act [20 ILCS 215].

"Compliance Officer" means an authorized representative of the Director who is charged with the duty to:

investigate and gather data regarding the wages, hours and other conditions and practices of employment in any industry subject to this Act; and

investigate such facts, conditions, practices or matters as he or she may deem necessary or appropriate to determine whether any person has violated any provision of this Act, or which may aid in the enforcement of this Act.

"Department" means the Illinois Department of Labor.

"Director" means the Director of the Department or a duly authorized representative.

"Employee" means any individual permitted or suffered to work by an employer. The Director will consider the following factors as significant when determining whether an individual is an employee or an independent contractor:

the degree of control the alleged employer exercised over the individual;

the extent to which the services rendered by the individual are an integral part of the alleged employer's business;

the extent of the relative investments of the individual and alleged employer;

the degree to which the individual's opportunity for profit and loss is determined by the alleged employer;

the permanency of the relationship;

the skill required in the claimed independent operation.

The common law standards relating to master and servant, the parties' designations and terminology, and the individual's

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

status for tax purposes, are not dispositive. Rather, it is the total activity or situation which is controlling. In the case of an individual employed by a public agency on a term basis, the term basis employment is not dispositive. Illinois, on any of its political subdivisions except for an individual who is a bona fide elective or appointed official.

"Governmental body" means the State and its agencies, municipalities and units of local government, and school districts.

"Hours worked" means all the time an employee is required to be on duty, or on the employer's premises, or at other prescribed places of work, and any additional time he or she is required or permitted to work for the employer.

An employee's meal periods and time spent on-call away from his/her employer's premises are compensable hours worked when such time is spent predominantly for the benefit of the employer, rather than for the employee.

An employee's travel, performed for the employer's benefit (for example, in response to an emergency call back to work outside his/her normal work hours, or at the employer's special request to perform a particular and unusual assignment, or as a part of the employee's primary duty, or in substitution of his/her ordinary duties during normal hours) is compensable work time as defined in 29 CFR 785.33 - 785.41 (1994, no subsequent dates or editions), as amended at 46 FR 159.

"Immediate family", as used in Section 3(d)(1) of the Act, means a person related to a subject employee either by blood, marriage or adoption and living as part of the same household. An employer who employs fewer than four employees exclusive of the employer's parent, spouse or child or other member of his immediate family is not subject to the provisions of the Act or this Part.

"Including any radio or television announcer, news editor, or chief engineer, as defined by or covered by the Federal Fair Labor Standards Act of 1937", as used in Section 1(d)(1)(E) of the Act, means any radio or television announcer, news editor, or chief engineer, as defined by a radio or television station, or any studio or office located: 1) in a city or town of one hundred thousand population or less, according to the latest available decennial census figures as compiled by the Bureau of the Census, except where such city or town is part of a standard metropolitan statistical area, as defined and designated by the Bureau of the Census, which has a total population in excess of one hundred thousand; or 2) in a city or town of twenty-five thousand population or less,

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

which is part of such an area but is at least 40 airline miles from the principal city in such area, as defined in the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(1)). Regulations promulgated thereunder at 29 C.F.R. Part 783 (1994, no subsequent dates or editions), as amended at 56 FR 102751.

"Individuals whose capacity is impaired by age or physical or mental deficiency", as used in Section 5 of the Act and in Subpart 2 of this Part, means individuals whose earning or productive capacity are impaired by a physical or mental disability, including those relating to age or injury, for the work to be performed. Disabilities which may affect earning or productive capacity include blindness, mental illness, hearing loss, sexual, physical, alcoholism, and drug addiction. The following are the types of disabilities and related disabilities for the purposes of Section 5 of the Act and Subpart 2 of this Part: vocational, social, cultural, educational disabilities; chronic unemployment; receipt of welfare benefits; nonattendance at school; juvenile delinquency; and correctional parole or probation. Further, a disability which may affect earning or productive capacity for one type of work may not affect such capacity for another.

"Learners", as used in Section 6 of the Act and Subpart 2 of this Part, means individuals who are participating in a training program for an occupation in which they are employed. Such a training program must involve either formal instruction or on-the-job training during a period in which the learners are entrusted with limited responsibility and are under supervision or guidance.

"Man-day" means any day during which an employee performs any agricultural labor for not less than one hour.

"A member of a religious corporation or organization" means an individual whose functions are spiritual or religious, such as a priest, rabbi, minister, nun, reverend or other such individuals who perform similar functions as their primary duties.

"Student learner", as used in Section 6 of the Act and Subpart 2 of this Part, means a student who receives course credit for participating in school-approved work study programs.

"Tipped employee" means an employee engaged in an occupation in which gratuities are customarily recognized as part of the remuneration of such employee as referred to in Section 4(c) of the Act; an employee cannot be deemed a tipped employee unless he or she received \$20 or more per month in gratuities.

"Volunteer" means a person who works for an employer under no contract of hire, expressed or implied, and with no promise of compensation,

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

other than reimbursement for expenses as part of the conditions for work. A volunteer is not an employee for the purposes of this Act.

"Wages" means compensation due to an employee by reason of his/her employment including allowances determined by the Director in accordance with the provisions of this Act. These allowances will include gratuities and, when customarily furnished by a group of employers to their employees, meals, lodging and other facilities. When the reasonable cost of these allowances is not recorded by the employer, the Director will determine the fair value of such meals, lodging or other facilities for defined classes of employees based on the average cost to the employer. Such determinations, when applicable and appropriate, shall be used in lieu of the actual measure of cost in determining the wage paid to any employee.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART I: INFORMAL INVESTIGATIVE CONFERENCE
ON INSPECTION RESULTS

Section 210.925 Continuances of Informal Investigative Conference

Parties shall be prepared to proceed at the informal investigative conference. Pending all testimony and documentary evidence necessary to support the position of the party for a continuance will be granted prior to the conference only if the other party agrees and the Director's representative in charge of the conference grants permission. A request for a continuance must be made in person to the Director's representative at the time of the conference and will be granted only upon a showing of good cause.

(Source: Added at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

<u>Section Number:</u>	<u>Proposed Action:</u>
121.22	Amendment
121.23	Repealed/New Section
121.26	Repealed/New Section
121.27	Amendment
121.29	121.30
121.31	121.63
121.32	121.31
121.35	Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], 7 CFR 273.5, 7 CFR 273.6, 7 CFR 273.7, 7 CFR 273.9, 7 CFR 273.11 and Section 13921 of the Mickey Leland Childhood Hunger Relief Act.

5) Complete Description of the Subjects and Issues Involved: In accordance with provisions of 7 CFR 273 and Section 13921 of the Mickey Leland Childhood Hunger Relief Act, these proposed amendments make the following changes to the Food Stamp Program:

- revises enumeration process;
- adds, previously repealed, work registration/participation requirements;
- revises voluntary quit provisions;
- revises treatment of unearned income due to intentional failure to comply with requirements of cash assistance programs;
- adds deduction for payment of child support;
- revises living arrangement provisions for children who receive cash assistance; and
- changes provisions for students.

All of these changes are intended to maintain consistency with federal regulations governing food stamps (7 CFR 273) including recent changes in these regulations.

(Section 121.22) Enumeration Process

With the exception of categorically eligible households and households entitled to expedited service, all members of the food stamp household must furnish to the Department a social security number or provide proof of application for a social security number. This rulemaking establishes

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

that applications for social security cards are to be completed at a Social Security District Local Office or completed by the Enumeration at Birth Program. Based on an agreement with the Social Security Administration, local offices will no longer be involved in processing applications for social security numbers.

(Sections 121.23, 121.24, 121.25, 121.26 and 121.31) Work Registration/Participation Requirements

In accordance with federal regulations at 7 CFR 273.7, these proposed amendments place in the rules, previously repealed, work registration/participation requirements and the penalties for failure to comply with these requirements for the Food Stamp Program. These provisions were repealed in error.

(Sections 121.27 and 121.29) Voluntary Quit Provisions

Certain households are exempted from the voluntary quit provisions by these proposed amendments. In accordance with federal regulations at 7 CFR 273.7, this rulemaking provides that if the primary wage earner or the only adult household member quits his or her job, the food stamp household will not lose its food stamp benefits. The proposed amendments to the food stamp regulations concerning the percent of children in the household, the voluntary quit provisions do not apply.

(Section 121.30) Treatment of Unearned Income Due to Intentional Failure to Comply With Requirements of Cash Assistance Programs

Pursuant to 7 CFR 273.11, Vol. 61, No. 85 pp. 19155-19160 (Federal Register dated May 1, 1996), this rulemaking establishes that food stamp benefits will not increase when a household's cash assistance benefits decrease due to an intentional failure to comply with requirements of a Federal, State or local cash assistance program. As a result of these amendments, households that are not considered to be in compliance with the household due to an intentional failure to comply with requirements of a Federal, State or local welfare cash assistance program will be considered available unearned income in the determination of the household's eligibility and coupon allotment.

(Section 121.63) Deduction for Payment of Child Support

This rulemaking changes the way child support payments are considered for food stamp purposes. Pursuant to Section 1921 of the Micky Island Childhood Hunger Relief Act, this rulemaking adds a deduction for child support payments to the list of deductions that are subtracted from a household's net food stamp income. The amount of benefits to which a household is entitled. As a result of this rulemaking, a child support deduction will be allowed for the amount

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

of legally obligated child support paid by a household member to or for a household member. Allowing a deduction for child support payments encourages compliance with support orders and allows net food stamp income to more accurately reflect the household's ability to buy food.

(Section 121.71) Divid Arrangement Provisions for Children who Receive Cash Assistance

These proposed amendments clarify that children who receive AFDC cash assistance, but are not living with the assistance unit full-time, remain in the same food stamp case as the caretaker relative for the AFDC cash assistance case. Current policy on children who are absent from the caretaker relative's home differs for the AFDC and the Food Stamp Programs. Revising the Food Stamp rules will provide consistency between the two programs and make it easier for casework staff to maintain an AFDC/Food Stamp case.

(Section 121.75) Provisions for Students

Some students attending an institution of higher education are eligible to participate in the Food Stamp Program. Only when certain requirements are met are students of higher education eligible to participate in the Food Stamp Program. This rulemaking specifies the requirements for which education is allowed to participate in the Food Stamp Program if the student is:

1. enrolled in a program under the Job Training Partnership Act;
2. enrolled as a result of the JOBS Program under Title IV of the Social Security Act or its successor;
3. enrolled full-time in an institution of higher education and is a single parent with the responsibility for the care of a dependent child under age 17;
4. enrolled in any education or training program required by the Food Stamp Employment and Training Program; or
5. participating in an on-the-job training program.

These proposed amendments revise the definition of an institution of higher education. In addition, this rulemaking adds that a student attending an institution of higher education is eligible to participate in the Food Stamp Program if he or she has been approved to participate in a Federal work study program and they expect to work during the school term.

Will these proposed amendments replace emergency amendments currently in

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

- effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
121.151	Amendment	April 12, 1996 (20 Ill. Reg. 5140)
121.182	Amendment	April 26, 1996 (20 Ill. Reg. 5986)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Munna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave., E., 3rd Floor
Springfield, IL 62762
(217) 524-0081

The Department requests the submission of written comments within 30 days after publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS 100/5-40).

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 7-30 of the Illinois Administrative Procedure Act (5 ILCS 100/7-30). These provisions require small businesses, small municipalities, and not-for-profit corporations to submit comments in writing to the Department.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

- Corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: January 1996
- The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section	
121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Social Security Numbers
121.22	Work Registration/Participation Requirements (Repealed)
121.23	Individuals Excluded from Registration Requirements (Repealed)
121.24	Period of Sanction (Repealed)
121.25	Period of Sanction (Repealed)
121.26	Voluntary Job Quit
121.27	Good Cause for Voluntary Job Quit
121.28	Exemptions from Voluntary Quit Rule
121.29	

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Earning Threshold Income
121.32	Exemption Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.35	Earned Income
121.40	Budgeting Earned Income
121.41	Exempt Earned Income
121.50	Income from Work/Study/Training Programs
121.51	Earned Income from Roomer and Boarder
121.52	

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.53	Net Monthly Income Eligibility Standards
121.54	Gross Monthly Income Eligibility Standards
121.55	Income Which Must Be Annualized
121.56	Deductions From Monthly Income
121.57	Coupon Allotment

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving APDC, SSI, Interim Assistance and/or GA -
	Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.86	Monthly Reporting and Retrospective Budgeting
121.87	Retrospective Budgeting
121.88	Direct Mail Issuance of Food Stamp Coupons
121.89	Replacement of Food Stamp Coupons
121.90	Restoration of Lost Benefits
121.91	Uses For Food Coupons
121.92	Supplemental Payments
121.93	Food Stamp Simplified Application Demonstration Project (Repealed)
121.94	Recertification of Eligibility
121.95	Residents of Shelters for Battered Women and their Children
121.96	

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

121.135 Incorporation By Reference
 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
 121.150 Definition of Intentional Violations of the Program
 121.151 Penalties for Intentional Violations of the Program
 121.152 Notification to Applicant Households
 121.153 Disqualification Upon Finding of Intentional Violation of the Program
 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section
 121.160 Persons Required to Participate
 121.161 Participation and Cooperation Requirements
 121.162 Orientation
 121.163 Assessment and Employability Plan
 121.164 Job Search Component
 121.165 Basic Education Component
 121.166 Job Readiness Component
 121.167 Work Experience Component
 121.168 Job Training Component
 121.169 Grant Diversion Component
 121.170 Sanctions
 121.171 Good Cause for Failure to Cooperate
 121.172 Supportive Services
 121.173 Financial and Child Readings
 121.174 Typing Class (Recodified)
 121.175 Establishing a Claim for Intentional Violation of the Program (Recodified)

121.201 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
 121.202 Collecting Claim Against Households (Recodified)
 121.203 Failure to Respond to Initial Demand Letter (Recodified)
 121.204 Methods of Repayment of Food Stamp Claims (Recodified)
 121.205 Determination of Monthly Allowance Reductions (Recodified)
 121.206 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
 121.207 Suspension and Termination of Claims (Recodified)

121.208 AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13.1].

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 179, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 133, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 737, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 1586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 1067, effective October 11, 1981; amended at 5 Ill. Reg. 10793, effective October 19, 1981; amended at 5 Ill. Reg. 12399, effective November 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11021, effective September 21, 1982; amended at 6 Ill. Reg. 12118, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5135; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 19, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 3673, effective April 16, 1984; amended at 8 Ill. Reg. 11096, effective July 11, 1984; amended at 8 Ill. Reg. 1284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 9 Ill. Reg. 17989; peremptory amendment at 8 Ill. Reg. 19630, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15852, effective October 1, 1985; amended at 9 Ill. Reg. 16899, effective October 15, 1985; amended at 9 Ill. Reg. 17260, effective December 9, 1985; amended at 10 Ill. Reg. 239, effective January 11, 1986; peremptory amendment at 10 Ill. Reg. 1211, effective March 11, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14992, effective August 29, 1986; peremptory amendment at 10 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

security card or W-2 form or refuses to apply for a social security number is ineligible to participate in the food stamp program until the requirement is met.

- f) Good cause for failure to provide a SSN exists if the household member can provide documentary evidence (e.g., receipt for application or a SSN) that the household member has applied for the number and made every effort to supply the Social Security Administration (SSA) with any necessary information such as a birth certificate or the household member has applied through the Department. If the household does show good cause, benefits are allowed for the next full month of the certification period or for a new member, for the second month following his or her addition to the household. The household member must be a resident of the State of Illinois. (See 99 Ill. Adm. Code 114.45 and 114.46 for SSN requirements.)
- g) A household member who has applied for a SSN through the Department and has provided any needed information, will not be disqualified if the SSN is not received from the Social Security Administration within the prescribed time limits.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 121.23 Work Registration/Participation Requirements (Repealed)

- a) All nonexempt adults who are eligible members of a food stamp household shall register for employment, participate in an employment training program, or accept a bona fide offer of suitable employment. This requirement is applicable to certification and recertification. Benefits shall not be granted conditionally prior to registration by nonexempt household members. However, under expedited services, the applicant must register but registration of other members may be postponed.

- b) All nonexempt individuals must register in the following circumstances:

- 1) Prior to initial certification;
- 2) For new household member, prior to addition to the case;
- 3) Once every 12 months; and
- 4) When as a result of a change which the household is required to report, a member loses exempt status. (See 99 Ill. Adm. Code 114.45 and 114.46 for SSN requirements.)

- c) Registration with the Food Stamp Employment and Training Program (FSETP) for General Assistance (GA) purposes shall meet the Food Stamp work registration requirement for nonexempt City of Chicago GA Food Stamp applicants and recipients.

- d) Registration with the Job Opportunities and Basic Skills Training Program (JOBS) for Aid to Families with Dependent Children (AFDC) purposes shall meet the Food Stamp work registration requirement.

- e) Registration with a Refugee Placement Agency or Illinois Job Service for Refugee Assistance/Food Stamp recipients shall meet the Food Stamp

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

work registration requirements.

f) Each household member who is required to register for employment is also required to:

- 1) participate in an employment and training program, if assigned by JOBS or FSETP, in accordance with 99 Ill. Adm. Code 112.78 and Section 121.162;
- 2) respond to requests for supplemental information regarding employment status or availability for work;
- 3) report to employers to whom referred;
- 4) accept a bona fide offer of suitable employment (see Section 112.71b) for a definition of suitable employment); and
- 5) complete any other requirements set forth for AFDC and the Food Stamp Program. (See 99 Ill. Adm. Code 112.78 through 112.85 and 114.60 through 114.80, 114.45 and 114.42 through 114.130 and 121.160 through 121.190.)

(Source: Repealed at 17 Ill. Reg. 4333, effective March 19, 1993; new Section added at 20 Ill. Reg. _____, effective _____)

Section 121.24 Individuals Exempt from Work Registration Requirements (Repealed)

The individuals listed below are exempt from work registration requirements but may, at their discretion, voluntarily register for employment:

- a) Individuals who are:
 - 1) a parent or other household member having responsibility for the care of a dependent child or children under age six or the care of an incapacitated person or persons;
 - 2) persons under age 16 or age 60 or over;
 - 3) a person age 16 or 17 who is not the primary wage earner or is attending school or enrolled in a training program on at least a half-time basis;
- b) a person who is temporarily ill or chronically ill;

1) A person is temporarily ill, when determined by the local office, on the basis of medical evidence. For example, a statement from a medical provider or on another sound basis that the illness or injury is serious enough to temporarily prevent the person from working. Temporary illness includes such conditions as colds, flu, and injuries such as colds, broken fingers or toes are not serious enough, normally, to exempt the individual under this criterion. A sound basis for exemption from FSETP on a temporary basis includes, but is not limited to:

- A) the observation of a cast on a broken leg or
- B) information, provided by the client, of a scheduled surgery or recuperation from surgery;

- 2) A person is chronically ill, as determined by the local office, when a physician or licensed or certified psychologist finds that

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

a) If within 60 days before the date of initial application the primary wage earner or the only adult member of the food stamp household has, without good cause, voluntarily quit his or her job, the entire household is ineligible for food stamp benefits for 90 days beginning with the date of the quit.

b) If the primary wage earner or the only adult member designated head of household is there a no-primary-wage-earner of a participating food stamp household has, without good cause, voluntarily quit his or her job, the entire household is ineligible for food stamp benefits for three fiscal months (see 89 Ill. Adm. Code 101.20).

c) Primary Wage Barrier: The household member who has been earning the most money to support the household in two months prior to the month of the quit. The primary wage earner need not be the head of the household. The employment must involve 20 hours or more per week or prime gross monthly income of \$200 or more. The household member must be a parent or a person fulfilling the role of a parent shall not be considered a primary wage earner if the parent or household member acting as a parent is registered for work or exempt from work registration because the individual:

1) is subject to and participating in UGBS Prevent-Chance under AFDC requirements;

2) receives or is expected to receive Unemployment Insurance Benefits; or

3) is employed or self employed and working a minimum of 30 hours per week or receives earnings equal to or greater than 30 times the Federal Minimum Wage.

d) A federal or State Government employee who participates in a strike against such Government and is dismissed from his or her "strike" job because of participation in the strike is considered to have voluntarily quit his or her "strike" job without good cause.

e) If the household provides questionable information (that is, inconsistent with information previously supplied by the household or other information available to the local office) regarding whether the primary wage earner has voluntarily quit employment, it shall provide verification from sources such as a previous employer, employee associations, and union representatives, etc.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 121.29 Exemptions from Voluntary Quit Rule

a) Hours of employment are reduced while working for the same employer;

b) Termination of self-employment enterprise;

c) Employer demands that person resign from job;

d) Persons who are exempt from the work registration requirements; and

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

2) When a food stamp household member quits a job and the food stamp household also contains another parent and their child.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.30 Unearned Income

a) All currently available unearned income, which is not specified as exempt, shall be considered in the determination of eligibility and coupon allotment for food stamps.

b) The penalty amount imposed for failure to comply with a Federal requirement is considered available income in the determination of eligibility and coupon allotment. This income is the portion of this section's penalty amount is defined as money.

1) monies recouped under the Aid to Families with Dependent Children Program or the Federal Supplementary Security Income Program as the result of a conviction for criminal or civil fraud under Sections 8A-2 or 8A-7 of the Illinois Public Aid Code [305 ILCS 5/8A-2 or 8A-7] that is recouped under the Aid to Families with Dependent Children Program.

2) the amount of cash assistance benefits withheld from the household due to an intentional failure to comply with requirements of a Federal, State or local welfare cash assistance program.

c) Unearned income is all income other than that received in the form of salary for services performed as an employee or profits from self-employment.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 121.31 Exempt Unearned Income

The following unearned income is exempt:

a) Vendor payments when these are made in behalf of a household by a nonhousehold member; or payments made directly to the household's creditors or persons or organizations providing services to the household; or payments made to the household's landlords or mortgagees by Housing and Urban Development (HUD); or

b) Monies that are legally obligated and otherwise payable to the household such as, but not limited to, arrearages, public assistance grants directed to a protective agency, GA disbursing orders and payments directed to a vendor, and support or alimony payments legally obligated to a household member, but which are diverted by the

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

1) Rent paid directly to a landlord by a household's employer in addition to paying the household its regular wages;

- 2) Assistance payments that would not normally be provided in a decision regarding the household's financial affairs, and that are over and above normal public assistance or general assistance grants, if they are made directly to a third party for a household expense;

3) Child support or alimony payments specified by a court order or other legally binding agreement to go directly to a third party rather than to a household; y-and

to the household providing the foster care even if the parents are made to the provider household rather than to the adult or child or children entitled in foster care. If the household chooses to include the adults and/or children in foster care as part of the household, the entire foster care payment is considered unearned income to the household.

b) Income of nonhousehold members except for those who have been disqualified for fraud or intentional program violation, for failure to comply with work registration requirements, for failure to meet the income and asset requirements, because of ineligible alien status, or due to noncompliance with the requirements of the law.

i) Payments to volunteers under the Domestic Volunteer Service Act (42 U.S.C. 4951-4993) (VISTA) are exempt only if the individual

(Source: Amended at 2011. Reg. effective

SUBPART C: STABILITY STANDARDS

Section 121.63 Deductions From Monthly Income

- d) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.
- e) **Earned income** means deduction. Eighty percent of total gross earned income is considered. See Sections 121-10 through 121-54 for a description of earned income.
- f) **Standard deduction.** The standard deduction is \$134.00 per household per month.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

d) Dependent Care Deduction

- 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria (contained in 89 Ill. Adm. Code 112.70 through 112.73) or to attend training or pursue education which is preparatory for employment.

- 2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$160.00 per month for each dependent household member.

e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.

- 1) Shelter costs deduction is the amount of shelter costs that exceed 50% of the household's total income after the allowable deductions in subsections (b), (c) and (d) of this Section have been made. The shelter deduction shall not exceed \$247.00.
- 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (1990) and Section 121.61, there is no limit on the amount of excess shelter deduction.
- 3) Households in which all members are homeless, but that are not receiving free shelter throughout the month, are entitled to a \$143.00 per month homeless shelter costs deduction. Homeless households with shelter costs that exceed the homeless shelter costs deduction are allowed to claim the higher shelter costs if these costs are verified. Homeless households which receive free housing and utilities throughout the month are not entitled to shelter costs deduction.

- 4) Shelter costs include only the following:

- A) Continuing sheltering charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
- B) Property taxes, State and local assessments and insurance on the structure itself; and
- C) Utility costs as described in subsection (f) of this Section.

- 5) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:

- A) the household intends to return to the home;
- B) the current occupants of the home, if any, are not claiming the home as their principal residence; and
- C) the home is not leased or rented during the absence of the household.

- 6) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

g) Utility Costs

- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection fees;

- B) basic service fee for one telephone (including tax on the basic fee) of \$7.00; and

- C) fees charged by the utility provider for initial installation.

- 2) Utility deposits are not considered to be utility costs.

- 3) Those households which are billed for heating or air conditioning, or both, separately from their rent or mortgage may use the standard utility allowance of \$209.00. Households living in public housing or receiving public housing assistance may use the standard utility allowance for air conditioning, or both, may use the standard utility allowance for air conditioning, or both, may use the standard utility allowance if utility usage is determined through a meter or otherwise is verifiable or if the charge for heating or air conditioning, or both, is separate and identifiable. If the standard utility allowance is used, then no other utility costs may be claimed. If actual utility costs exceed the standard utility allowance, then actual, verified costs may be claimed, except that if a separately-billed phone expense is claimed only the basic telephone allowance of \$7.00 per month is allowed. The client that maintains the same residence may not switch between the standard utility allowance and actual utility costs for a period of 12 months from the time of initial certification and no more frequently than once every 12 months.

- 4) However, during the heating or cooling season, a household that is billed less often than monthly for its costs for heating or air conditioning, or both, but is otherwise eligible to use the standard utility allowance, may continue to use the standard utility allowance between billing months.

- 5) Households in public housing or privately owned rental units which receive a bill for over-usage are not entitled to use the standard utility allowance. When households (as defined at 7 CFR 271.1(a) (1990)) live together, the standard utility allowance shall be divided equally among the households which contribute toward the utility costs whether or not each household participates in the program.

- 6) Households whose expenses for heat, or air conditioning, or both are covered by direct energy assistance payments from the Illinois Housing Development Board (Code 100-1.10) and 273.10(d)(6) (1990)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

heating, or air conditioning, or both are covered by indirect energy assistance payments.

7) Those households which are not billed separately for either heat or air conditioning are not entitled to claim the standard utility allowance but may claim the actual utility amounts for which they are billed separately, subject to the \$7.00 per month limitation for telephone expense.

B147 Excess Medical Deductions. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 211.2 (1990) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART B: HOUSEHOLD CONCEPT

Section 121.71 Living Arrangement

Except for children who receive AFDC cash assistance, all AFDC individuals receiving food stamps in the same case must reside together. Children who receive AFDC cash assistance but do not reside with the caretaker relative full time, must remain in the same food stamp case as the caretaker relative.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 121.75 Students

- a) To participate in the program, students between 18 and 19 59 who are physically and mentally fit and enrolled at least half-time in an institution of higher education must meet one of the following requirements:
 - 1) employed at least 20 hours per week and paid for this employment at least \$1000; or
 - 2) approved to participate in a State or Federally-funded work-study program for the school term and the individual expects to work during that time; participating in a Federally-funded work-study program; during the regular school term; the program must be funded in whole or in part under title IV of the Higher Education Act; or
 - 3) responsible for the care of a dependent household member under the age of six; or
 - 4) responsible for the care of a dependent household member who is at least age six but less than age 12, for whom child care is

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

not available. Child care is considered available when:

- A) the child(ren) is receiving child care services for 24 or more hours a week; or

B147 there is a household member age 18 or older, other than the student, who is available to provide the care, for example, who is unemployed and living at home) and the member is not physically or mentally incapacitated.

C149 in all other circumstances child care is considered not available.

- 5) received available care from a relative; or
- 6) enrolled in a program under the Job Training Partnership Act (JTPA); or
- 7) enrolled as a result of the JONS Program under Title IV of the Social Security Act or its successor;

8) enrolled full-time in an institution of higher education and is a single parent or person providing parental control whose spouse is not in the home and is responsible for the care of a dependent child under age 12;

9) enrolled in any education or training program (including college) required by the Food Stamp Employment and Training Program; or

10) participating in an on-the-job training program.

b) Students must continue to meet the requirements in Section 121.75(a) during the school term.

c) A student is enrolled in an institution of higher education if he or she is enrolled in:

- 1) a business, technical, trade or vocational school that normally requires a high school diploma or the equivalent for enrollment; or

2) regular courses at a college or university that offers degree programs.

d) A college or university student enrolled in a special program, such as English as a second language or community education courses, is not enrolled in an institution of higher education.

e) A student is subject to the special student eligibility requirements regarding attendance and enrollment during the school term. If a student's higher education status continues through normal periods of class attendance, vacations and recesses until:

- 1) the student graduates; or
- 2) the student is expelled or suspended; or
- 3) the student drops out of school; or
- 4) the student does not intend to register for the next term,

excluding the summer school session that is, the student status continues to the end of the term for which the student is presently enrolled and he or she does not plan to enroll for another term).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) **Heading of the Part:** Medical Payment
- 2) **Code Citation:** 89 Ill. Adm. Code 140
- 3) **Section Number:** 140.566
Proposed Action: Amendment
- 4) **Statutory Authority:** Section 12-1.3 of the Illinois Public Aid Code [305 ILCS 5/12-1.3]
- 5) **Complete Description of the Subjects and Issues Involved:** These proposed amendments provide for greater flexibility in the rate setting process for placements in out-of-state long term care facilities. Currently, Section 140.566 allows the Department to pay the lesser of the Medicaid rate paid by the state in which the facility is located, the private pay rate of the facility or the Illinois Medicaid Statewide average rate for clients requiring the assistance of care. Under the proposed rulemaking, payments to out-of-state facilities will be determined by the Department based on the intensity of the necessary services, with the foregoing criteria taken into consideration.
- These proposed changes are necessary because of the increasing numbers of clients with traumatic brain injuries (TBI) who need placements in long term care facilities. In Illinois, there are no specific rates for services in facilities that care exclusively for individuals with TBI because such care involves extensive therapy that is specifically designed according to each person's needs. Regular nursing facility rates do not adequately cover such individualized and extensive therapy programs. The proposed amendments will enable the Department to negotiate with proposed care facilities to reach agreements regarding appropriate payment levels for TBI clients.
- Other proposed changes to Section 140.566 allow the Department of Mental Health and Developmental Disabilities (DMHDD) as a payer for services since some TBI clients are placed in ICF/MR facilities, and DMHDD is responsible for the ICF/MR program.
- These proposed amendments are not expected to result in any budgetary changes.
- Will these proposed amendments replace emergency amendments currently in effect? No
- Does this rulemaking contain an automatic repeal date? No
- Do these proposed amendments contain incorporations by reference? No
- Are there any other proposed amendments pending on this Part? Yes

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- | Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|--------------------------------------|
| 140.7 | Amendment | August 25, 1995 (19 Ill. Reg. 12210) |
| 140.1 | Amendment | August 25, 1995 (19 Ill. Reg. 12210) |
| 140.30 | Amendment | July 12, 1996 (20 Ill. Reg. 8939) |
| 140.34 | Amendment | July 12, 1996 (20 Ill. Reg. 8939) |
| 140.555 | Amendment | July 12, 1996 (20 Ill. Reg. 8939) |
| 140.560 | Amendment | July 12, 1996 (20 Ill. Reg. 8939) |
| 140.561 | Amendment | July 12, 1996 (20 Ill. Reg. 8939) |
| 140.578 | Amendment | July 12, 1996 (20 Ill. Reg. 8939) |
| 140.539 | Amendment | April 12, 1996 (20 Ill. Reg. 5148) |
| 140.569 | Amendment | July 26, 1996 (20 Ill. Reg. 9810) |
- 10) **Statement of Statewide Policy Objectives:** These proposed amendments do not affect units of local government.
 - 11) **Time, Place, and Manner in which Interested Persons may Comment on this Proposed Rulemaking:** Interested persons may comment on this proposed rulemaking by submitting written comments to the Department of Public Aid, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, IL 62762 (217) 524-0081.
 - The Department requests the submission of written comments within 30 days after the date of publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS 100/5-40).
 - These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act (5 ILCS 100/1-75, 1-80, 1-85). These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act (5 ILCS 100/5-30). These entities shall indicate specifically which small businesses, small municipalities, and not-for-profit corporations are part of any written comments they submit to the Department.
 - 12) **Initial Regulatory Flexibility Analysis:**
 - A) Types of small businesses, small municipalities and not-for-profit

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

corporations affected: Out-of-state long term care facilities
B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None
13) Regulatory agenda on which this rulemaking was summarized: January 1996
The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS
TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1
140.2
140.3
140.4
140.5
140.6
140.7
140.8
140.9
140.10

Incorporation By Reference
Medical Assistance Programs
Covered Services Under Medical Assistance Programs
Covered Medical Services Under AFDC-WAIV for non-pregnant persons who are 18 years of age or older (Repealed)
Covered Medical Services Under General Assistance
Medical Services Not Covered
Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
Medical Assistance For Qualified Severely Impaired Individuals
Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WAIV if the Child were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section
140.11
140.12
140.13
140.14
140.15
140.16
140.17
140.18
140.19
140.20
140.21
140.22
140.23
140.24
140.25
140.26

Enrollment Conditions for Medical Providers
Participation Requirements for Medical Providers
Definitions
Denial of Application to Participate in the Medical Assistance Program
Recovery of Money
Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
Effect of Termination on Individuals Associated with Vendor
Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barred
Submission of Claims
Covered Medical Services for Qualified Medicare Beneficiaries (QMBs)
Magnetic Tape Billings
Payment of Claims
Payment Procedures
Overpayment or Underpayment of Claims
Payment to Factors Prohibited

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

140.27 Assignment of Vendor Payments
 140.28 Record Requirements for Medical Providers
 140.30 Audits
 140.31 Emergency Services Audits
 140.32 Prohibition on Participation, and Special Permission for
 Participation of List of Terminated, Suspended or Banned Entities
 140.33 False Reporting and Other Fraudulent Activities
 140.35 Prior Approval for Medical Services or Items
 140.40 Prior Approval in Cases of Emergency
 140.41 Limitation on Prior Approval
 140.42 Post Approval for Items or Services When Prior Approval Cannot Be
 140.43 Obtained
 140.55 Recipient Eligibility Verification (REV) System
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
 140.72 Voucher Advance Payment and Expedited Payments
 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
 140.80 Hospital Provider Fund
 140.82 Developmentally Disabled Care Provider Fund
 140.84 Long Term Care Provider Fund
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust
 140.95 Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
 140.96 Hospital Services Not Covered (Recodified)
 140.97 Special Requirements (Recodified)
 140.98 Covered Hospital Services (Recodified)
 140.100 Hospital Services Not Covered (Recodified)
 140.101 Limitation on Hospital Services (Recodified)
 140.102 Transplants (Recodified)
 140.103 Heart Transplants (Recodified)
 140.104 Liver Transplants (Recodified)
 140.105 Bone Marrow Transplants (Recodified)
 140.110 Disproportionate Share Hospital Adjustments (Recodified)
 140.115 Payment for Inpatient Services (Recodified)
 140.116 Payment for Outpatient Services (Recodified)
 140.120 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
 140.121 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
 140.122 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
 140.201 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
 140.202 Limit on Length of Stay by Diagnosis (Recodified)
 140.203 Payment for Pre-operative Days and Services Which Can Be Performed in
 140.300 an Outpatient Setting (Recodified)

140.350 Copayments (Recodified)
 140.360 Payment Methodology (Recodified)
 140.361 Non-Traditional Services (Recodified)
 140.362 Post July 1, 1985 Services (Recodified)
 140.363 Post June 30, 1985 Services (Recodified)
 140.364 Prepayment Review (Recodified)
 140.365 Base Year Costs (Recodified)
 140.366 Restructuring Adjustment (Recodified)
 140.367 Inflation Adjustment (Recodified)
 140.368 Volume Adjustment (Repealed)
 140.369 Groupings (Recodified)
 140.370 Rate Calculation (Recodified)
 140.371 Payment (Recodified)
 140.372 Review Procedure (Recodified)
 140.373 Deduction (Recodified)
 140.374 Alterations (Recodified)
 140.375 Exemptions (Recodified)
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Substance Alcoholism and Substance Abuse Services (Recodified)
 140.391 Definitions (Recodified)
 140.392 Types of Substance Alcoholism and Substance Abuse Services
 (Recodified)
 140.394 Payment for Substance Alcoholism and Substance Abuse Services
 (Recodified)
 140.396 Rate Appeals for Substance Alcoholism and Substance Abuse Services
 (Recodified)
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
 140.400 Payment to Practitioners, Nurses and Laboratories
 140.410 Physicians' Services
 140.411 Covered Services By Physicians
 140.412 Services Not Covered By Physicians
 140.413 Limitation on Physician Services
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy
 Items - Physicians
 140.415 Ophthalmic Services and Materials
 140.416 Prosthetic Services (Recodified)
 140.417 Department of Corrections Laboratory
 140.418 Dental Services
 140.420 Dental Services
 140.421 Limitations on Dental Services
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy
 Items - Dentists
 140.425 Podiatry Services
 140.426 Limitations on Podiatry Services
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.528 Payment of Quality Incentive (Repealed)
 140.529 Reviews (Repealed)
 140.530 Basis of Payment for Long Term Care Services
 140.531 General Service Costs
 140.532 Health Care Costs
 140.533 General Administration Costs
 140.534 Statewide Inpatient Services
 140.535 Costs for Interest, Taxes and Rent
 140.536 Organization and Pre-Operating Costs
 140.537 Payments to Related Organizations
 140.538 Special Costs
 140.539 Nurse's Aide Training and Testing
 140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations

140.541 Salaries Paid to Owners or Related Parties
 140.542 Cost Reports-Filing Requirements
 140.543 Time Standards for Filing Cost Reports
 140.544 Penalties for Late Filing (Repealed)
 140.545 Penalties for Failing to File Cost Reports
 140.546 Update of Operating Costs
 140.547 General Service Costs
 140.548 Nursing and Program Costs
 140.549 General Administrative Costs
 140.550 Component Inflation Index
 140.551 Minimum Wage

EMERGENCY
 140.560 Components of the Base Rate Determination

EMERGENCY
 140.561 Support Costs Components

140.562 Nursing Costs
 140.563 Capital Costs
 140.564 Kitchen Kitchen Reimbursement
 140.565 Out-of-State Placement
 140.566 Level II Incentive Payments (Repealed)
 140.567 Duration of Incentive Payments (Repealed)
 140.568 Clients With Exceptional Care Needs
 140.569 Capital Rate Component Determination
 140.570 Capital Rate Calculation
 140.571 Total Capital Rate
 140.572 Other Capital Provisions
 140.573 Capital Rate Determination
 140.574 New Contract Facilities (Repealed)
 140.575 Renovations (Repealed)
 140.576 Capital Costs for Rented Facilities (Renumbered)
 140.577 Property Taxes
 140.578 Specialized Living Centers
 140.579 EMERGENCY

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.580 Mandated Capital Improvements (Repealed)
 140.581 Qualifying as Mandated Capital Improvement (Repealed)
 140.582 Campus Facilities
 140.583 Illinois Municipal Retirement Fund (IMRF)
 140.584 Audit and Record Requirements
 140.585 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
 140.586 In-Home Care Program
 140.587 Home and Community Based Services
 140.588 Technology Dependent, Disabled Persons Under Age 21
 140.589 Reimbursement With Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
 140.590 Description of Developmental Training Services
 140.591 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
 140.592 Effective Dates of Reimbursement for Developmental Training (DT) Programs
 140.593 Certification of Developmental Training (DT) Programs
 140.594 Decertification of Day Programs
 140.595 Terms of Assurances and Contracts
 140.596 Effective Date of Payment Rate
 140.597 Discharge of Long Term Care Residents
 140.598 Appeals of Rate Determinations
 140.599 Determination of Cap on Payments for Long Term Care (Repealed)
 140.600

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section
 140.850 General Description (Repealed)
 140.851 Definition of Terms (Repealed)
 140.852 Covered Services (Repealed)
 140.853 Sponsor Qualifications (Repealed)
 140.854 Sponsor Responsibilities (Repealed)
 140.855 Department Responsibilities (Repealed)
 140.856 Provider Qualifications (Repealed)
 140.857 Provider Responsibilities (Repealed)
 140.858 Payment Methodology (Repealed)
 140.859 Cost Methodology (Repealed)
 140.860 Reimbursement For Program Costs (Active Treatment) for Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- agency's fee designee.
- b) Payment to out-of-state facilities will be negotiated based on the intensity of the services required, and will take into consideration the cost of the services provided.
- c) The rate for medical assistance clients requiring the same level of care that is paid by the state in which the facility is located, and/or
- d) the private pay rate in the facility, and/or
- e) the Illinois statewide statewide average rate for medical assistance clients requiring a similar level of care.
- f) Payment cannot be approved for clients who made their own arrangements for care in facilities in other states if an appropriate bed is available in Illinois.
- g) Payment cannot be approved if a client or the family prefers placement in an out-of-state facility in order to stay near the home community, and the placement of the client in an out-of-state facility will be re-evaluated to ensure placement is still appropriate.
- h) Payment for care in an out-of-state facility may be approved for a client who becomes ill while temporarily out of Illinois.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Numbers: 117.50
- 4) Proposed Action: Amendment
- 5) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/12-13) and Senate Bill 1260 (Public Act 89-501).
- 6) Complete Description of the Subjects and Issues Involved: The Governor's budget initiative allows for an increase in the amount the Department is permitted to pay for funeral and burial expenses. Pursuant to provisions of P. A. 89-501, these proposed amendments increase the maximum allowable amounts the Department may pay for funeral and burial expenses of an eligible decedent as follows:
- | | |
|---|-------|
| Funeral Expenses for an Adult or Child 5 years of age or older | \$650 |
| Funeral Expenses for a Child Between the Ages of 3 months and 5 years | \$405 |
| Funeral Expenses for a Child Under 3 months of age or stillborn | \$325 |
| Burial Expenses | \$325 |
| Anatomical Gift Allowance | \$ 93 |

These amounts will be allowed for claims filed for persons whose date of death is on or after July 1, 1996.

- 7) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do these proposed amendments contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

must be in writing and should be addressed to:

Judy Umuna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave., 3rd Floor
Springfield, IL 62762
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first 30-day period as required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS 100/5-10).

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act (5 ILCS 100/1-75, 1-80, 1-85). These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 9-30 of the Illinois Administrative Procedure Act (5 ILCS 100/9-30). These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Funeral homes.

B) Reporting, bookkeeping or other procedures required for compliance: No change.

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either the 2nd or 3rd most recent agenda because: This rulemaking was not prioritized by the Department when the two most recent regulatory agendas were published.

The full text of the proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page _____.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs

2) Code Citation: 89 Ill. Adm. Code 553

3) Section Numbers: 553.110
Proposed Action: Amendments

4) Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3).

5) A Complete Description of the Subjects and Issues Involved: The amendments are being made so that DORS rules regarding Order of Selection mirror the recently adopted Federal regulations at 34 CFR 361.

Amendments were necessary to eliminate the provisions allowing non-cost services to be provided to all eligible individuals and to clarify that public safety officers who are injured in the line of duty have priority to receive services within each category under the Order of Selection.

6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may present their comments concerning these rules within 15 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warrner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-1866
TDD: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: N/A
- B) Reporting, bookkeeping or other procedures required for compliance: N/A
- C) Types of professional skills necessary for compliance: N/A

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This change was not anticipated at the time of the January Regulatory Agenda.

The full text of the Proposed Amendment is identical to the emergency amendments that appear in this issue of the Illinois Register on page _____.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Services

2) Code Citation: 89 Ill. Adm. Code 590

3) Section Numbers: Proposed Action:
590.470 Amendments

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]

5) A. Complete Description of the Subjects and Issues Involved: New subsection (b) has been added to clarify that any equipment provided for a customer's use must be vocationally related. Further, if a customer needs equipment he/she must be able to proficiently use the equipment prior to the time it may be purchased. If the customer does not have proficiency in the use of the equipment, DORS shall provide the necessary training to the customer.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

590.720 Amendments 20 Ill. Reg. 3071 - 02/16/96

10) Statement of Statewide Policy Objectives (if applicable): This is not applicable to this Rulemaking.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3666
TTY/TDD: (217) 785-9301

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

if because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

- B) Retention, bookkeeping or other procedures required for compliance: None

- C) Type of professional skills necessary for compliance: None

- 13) Regulation Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 93: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER B: VOCATIONAL REHABILITATION

PART 590
SERVICES

SUBPART A: APPLICABILITY

Section	General Applicability
590.10	Availability of Services
590.20	Effect of Financial Status on Services
590.30	Effect of Criminal Records on Services
590.40	Choice of Service Providers

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section	Provision of Services
590.50	Qualification of Medical and Psychological Service Providers
590.60	Treatment of Acute Conditions
590.70	Medication and Treatment
590.80	Heating Aids
590.90	Showering and Dressing Aids
590.100	Specialized Language Services
590.110	Low Vision Aids
590.120	Mental Restoration Services
590.130	Heart Surgeries
590.140	Kidney Transplant and Related Services
590.150	Chiropractic Services
590.160	Prosthetic and Orthotic Device
590.170	Wheelchairs
590.180	Prohibited Services
590.190	

SUBPART C: TRAINING AND RELATED SERVICES

Section	Provision of Services
590.200	Qualification of Training Facilities/Institutions
590.210	Purpose and Types of Training
590.220	Financial Guidelines for Training Services
590.230	Graduate School Training
590.240	Choice of Training Facility/Institution
590.250	Summer School
590.260	Effect of Financial Status
590.270	Medical Status
590.280	On-the-Job Training
590.290	

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

590.300 Default on Educational Loans

SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section

590.310 Provision of Services

590.320 Self-Employment Program

590.330 Services/Goods not Available

590.340 Donated Equipment

590.350 Recovery of Tools, Equipment, Supplies and Initial Stock

590.360 Transfer of Title

590.370 Limitation of Financial Participation (Repealed)

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section

590.375 Provision of Services

590.380 Vendor Requirements

590.390 Bidding Requirements

590.400 Donated Equipment

590.410 Donated Participation in Van Adaptation

590.420 Environmental Modification

590.430 Written Agreements for Environmental Modification

590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section

590.450 Provision of Services

590.460 Types of Services

590.470 Services

590.480 Qualifications for Services Provided by Individuals

590.490 Personal Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section

590.500 Provision of Services (Repealed)

590.510 Definitions (Repealed)

590.520 Purpose of Equipment Loans (Repealed)

590.530 Criteria for Loan of Equipment/Aids (Repealed)

590.540 Equipment/Aids Loan Request Procedures and Approval Process

590.550 Repealed of Loans (Repealed)

590.560 Maintenance and Return of Equipment/Aids (Repealed)

590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)

590.580 Limitations on Available Equipment/Aids (Repealed)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART H: OTHER SERVICES

Section

590.590 Provision of Services

590.600 Transportation and Temporary Lodging

590.610 Other Goods and Services

590.620 Equipment Sets

SUBPART I: PLACEMENT

Section

590.630 Provision of Placement Services

590.640 Description of Services

SUBPART J: MAINTENANCE

Section

590.650 Provision of Services

590.660 Definitions

590.670 Determination of the Need for Maintenance

590.680 Determination of Client Financial Participation in Maintenance

590.690 Exceptions to Basic Needs Level

SUBPART K: POST-EMPLOYMENT SERVICES

Section

590.700 Provision of Services

590.710 Definitions

590.720 Scope of Services

SUBPART L: TRANSITION

Section

590.730 Provision of Services

590.740 Definitions

590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11775, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 14168, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 72809, effective May 12, 1995; amended at 19 Ill. Reg. 71169, effective May 12, 1995; amended at 19 Ill. Reg. 10151, effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29, 1995; amended at 20 Ill. Reg. 6319, effective April 18, 1996; amended at 20 Ill. Reg. 6523, effective April 18, 1996; amended at 20 Ill. Reg.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

effective _____.

Section 590.470 Services/Equipment

- a) DORS shall provide such services to the customer as determined necessary as a result of the Extended Evaluation (89 Ill. Adm. Code 590.470) and/or Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 590.470) for the customer. The purpose of the employment objective as described in his/her WMP (89 Ill. Adm. Code 572) shall be achieved.
- b) All equipment provided for a customer's use must be vocational, related and is never to be provided for non-vocational, personal use. Further, equipment must be absolutely required for the customer to attain his/her vocational goal and the customer must be able to make full use of the equipment prior to the time the equipment is provided to the customer. If the customer requires certain equipment to attain his/her vocational goal and does not have the proper skills and training to use the equipment, DORS shall provide the necessary training in the use of the equipment prior to providing it to the customer.
- c) The customer provided by an individual (i.e., interpreter for the deaf, braille reader, P.A. services) under this Subpart shall continue until the completion of the customer's WMP and attainment of a successful employment outcome and as determined necessary by the customer and counselor.
- d) DORS shall retain title to any equipment purchased for use by a customer. Prior to the purchase of any equipment for customer use, the customer must agree to maintain the equipment in proper working order and condition, agree to insure the equipment against loss, agree to replace the equipment if a loss occurs, and agree to return the equipment to DORS at any time the customer has no further use for the equipment or the customer is not using the equipment for the purpose of the customer's vocational goal. The equipment shall be returned to DORS as soon as the equipment is no longer useful for the customer's vocational goal. The equipment is either cost prohibitive or not beneficial in terms of useful life of the equipment, he/she may request assistance from DORS in obtaining necessary equipment repair/replacement.
- e) The customer may retain the equipment even after he/she has successfully attained his/her vocational goal and his/her case has been closed, pursuant to 89 Ill. Adm. Code 617, as long as he/she is using the equipment for the purpose for which it was originally purchased.

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

1) Heading of the Part: Gang Crime Witness Protection Act2) Code Citation: 20 Ill. Adm. Code 12753) Section Numbers: Proposed Action:

1275.10 New Section

1275.20 New Section

1275.30 New Section

4) Statutory Authority: Implementing and authorized by the Gang Crime Witness Protection Act (P.A. 89-498, effective June 27, 1996) and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ICS 2605/55a].5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking establishes procedures for obtaining reimbursement and guidance from the Illinois State Police for protective relocation of victims and witnesses relating to gang crimes.6) Will this proposed rulemaking replace an emergency rule currently in effect? Yes.7) Does this rulemaking contain an automatic repeal date? No.8) Does this proposed rulemaking contain incorporations by reference? No.9) Are there any other proposed amendments pending on this Part? No.10) Statement of Statewide Policy Objectives: These rules will not require a local government to assist, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the date of publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed rules. The submissions must be in writing and directed to:

Mr. James W. Redlich
 Chief Legal Counsel
 Illinois State Police
 125 East Wacker Drive, Room 102
 P.O. Box 19461
 Springfield, Illinois 62794-9461
 217/782-7698

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on

DEPARTMENT OF STATE POLICE
NOTICE OF PROPOSED RULES

small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: July 1996.

The full text of the proposed rules is identical to the emergency rules that appear in this issue of the Illinois Register on page _____.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULE(S)

- 1) Heading of the Part: Illinois Incentive for Access (IIA) Program
- 2) Code Citation: 23 Ill. Adm. Code 2736
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2736.10	New
2736.20	New
2736.30	New
2736.40	New
2736.50	New
- 4) Statutory Authority: Implementing Section 36 and authorized by Section 20(c) of the Higher Education Student Assistance Act (110 ILCS 947/36 and 20(c)).
- 5) A Complete Description of the Subjects and Issues Involved: These rules govern the administration of the new Illinois Incentive for Access (IIA) Program, which supplements existing State and Federal student financial assistance programs. This rulemaking sets forth the eligibility criteria for applicants, program procedures for educational institutions, as well as program procedures for ISAC.
- 6) Will these proposed rules replace an emergency rule currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (30 ILCS 805/3(b)) and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
(847) 948-8500

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULE(S)

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The legislation authorizing this program was not enacted at the time this agency filed its two most recent regulatory agendas.

The full text of the proposed rules is identical to the text of the emergency rules appearing on page 1

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Appeal of Child Abuse and Neglect Investigation Findings
- 2) Code Citation: 89 Ill. Adm. Code 336
- 3) Section Number: Adopted Action:
336.20 Amend
336.120 Amend
336.130 Amend
336.150 Amend
- 4) Statutory Authority: 325 ILCS 5/7-16
- 5) Effective Date of Amendments: August 1, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 1, 1996
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 4511, March 22, 1996
- 10) Has JCPR issued a Statement of Objections to these rule(s)? No
- 11) Difference between proposal and final version: With the exception of editing and formatting corrections suggested by the Joint Committee on Administrative Rules, no changes were made.
- 12) Have all the changes agreed upon by the agency and JCPR been made as indicated in the statement letter issued by JCPR? Yes
- 13) Will these proposed amendments replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of These Adopted Amendments: These amendments change the standard of evidence to be applied at administrative hearings to support an indicated finding of child abuse or neglect. Administrative law judges will apply a preponderance of the evidence standard as opposed to the "clear and convincing" standard which was previously applied. This change is the result of Cavaretta v. DFS Decision handed down by the Illinois Appellate Court, Second District.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe St., Station #222
Springfield, IL 62701-1498
(217) 524-1983
TTY: (217) 524-3715

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 336

APPEAL OF CHILD ABUSE AND NEGLECT
INVESTIGATION FINDINGS

Section

Purpose

336.10

Definitions

336.20

Who May Appeal

336.30

What May Be Appealed

336.40

What May Not Be Appealed

336.50

The Right to Appeal and Receive a Fair Hearing

336.60

Notices of Department Decisions

336.70

The Appeal Process

336.80

Child Protection Internal Review

336.90

Notice of Internal Review Decision

336.100

Final Administrative Hearing

336.110

Rights of Parties in Administrative Hearings

336.120

Administrative Law Judge

336.130

The Administrative Law Judge

336.140

Combined or Separate Hearings

336.150

Final Administrative Decision

336.160

Records of Administrative Hearings

336.170

Severability of This Part

AUTHORITY: Authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5]; Implementing Section 7.16 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.16]

SOURCE: Adopted at 17 Ill. Reg. 1026, effective January 15, 1993; amended at 19 Ill. Reg. 3465, effective March 1, 1995; emergency amendments at 20 Ill. Reg. 4817, effective March 15, 1996, for a maximum of 130 days; amended at 20 Ill. Reg. 10317, effective AUG 01 1996.

Section 336.20 Definitions

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon such child, physical injury or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

creates a substantial risk of physical or mental injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function; commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age; commits or allows to be committed an act or acts of torture upon such child; or

inflicts excessive corporal punishment. [25 ICS 5.2] (11/1/89 Rev-Stat-1991-chr-33-parr-2899)

"Administrative hearing" in the context of this Part means a formal review of a decision made by the Department child protection investigator which has been upheld by an internal review.

"Administrative law judge" means an attorney who is appointed by the Director of the Department and is responsible for conducting the fair hearing.

"Administrator of the Administrative Hearing Unit" means the person who is responsible for coordinating the administrative hearing appeal process.

"Administrator of the child protection internal review system" means the person who is responsible for coordinating the child protection internal review process.

"Allegation" as used in this Part means changing an allegation contained in an indicated report of child abuse or neglect or changing identifying information regarding the subjects of an indicated child abuse or neglect report.

"Appeal process" means the two step appeal process, including the child protection internal review and the formal administrative hearing.

"Appellant" means the person who requests a review or administrative hearing or in whose behalf a review and administrative hearing is requested.

"Child protection appeal form" means the Department's form used to gather appellants' information supporting their request to amend or expunge the indicated report.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Aggravated evidence of child abuse or neglect" means that—(a)—the child was injured or placed in jeopardy of injury by the perpetrator; (b)—the perpetrator was armed with a dangerous weapon; (c)—the perpetrator was a person to whom a child protection investigator has issued a written order to appear for a hearing; or (d)—the perpetrator was a person to whom a child protection investigator has issued a written order to appear for a hearing.

"Child protection internal review" means an informal review held at the Department's child protection administrative level in order to reevaluate the determination made by a child protection investigator.

"Date of action" means the date on which any Department action becomes effective.

"Date of appeal" is the postmark on the appellant's request to appeal the Department's decision that the report was indicated.

"Department's representative" means the person who is responsible for presenting the Department's case.

"Expunge", as used in this Part, means removing identifying information regarding the subjects of an indicated child abuse or neglect report from the computer file of the State Central Register and from paper records kept by the Department.

"Final administrative decision" means the Department's final decision, order or determination on an appeal issue rendered by the Director of Children and Family Services or the Department's legal department, after the Department has heard the appeal and the parties have exhausted their rights of appeal to the circuit court under the Administrative Review Law.

"Indicated report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Neglected Child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely on the basis of present or anticipated mental or physical impairment of the child or parent or other person responsible for the child's welfare. Neglect by a parent or other person responsible for the child's welfare does not provide the proper or necessary support, or medical or other remedial care recognized under State law as necessary for a child's well-being (including where there is harm or substantial risk of harm to the child's health or welfare), including adequate food, clothing and shelter, or who is abandoned by his or her parents or other person responsible for the child's welfare or who is a newborn infant whose blood or urine contains any amount of controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or a metabolite thereof whose

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

The Director of the Department shall receive the recommended decision from the administrative law judge and shall agree, disagree, or modify the recommended decision based upon a preponderance of the ~~the-credible~~ evidence standard. The Director's decision is the final administrative decision of the Department. If the decision requires corrective action by the Department, the Director shall appoint a Department staff person who shall be responsible for assuring compliance with the decision.

b) Notice of the Availability of Judicial Review
The Department shall include a notice to appellants as part of the final administrative decision. This notice shall include the name of the person responsible for compliance, if applicable, and shall advise appellants of the right to petition for administrative review. The Department shall make available to appellants a copy of the ILCS 303.5/Act. Upon the request, the Department shall review the Department's decisions if it is unfavorable to them, within the statutory time frame.

c) Who Receives Copies of the Final Administrative Decision

The appellant or authorized representative, the Department child protection investigation unit, the Department's representative, the administrative law judge (except for notices of internal review decisions), the Administrator of the Administrative Hearing Unit, and the State Central Register shall receive a copy of the final administrative decision.

d) Notifying Others of the Decision

1) The following persons shall receive a notice of the final administrative decision:

- A) the Department of Professional Regulation, District, Regional and Private school superintendents and the State Board of Education when they have been notified that an appeal has been filed in accordance with 89 Ill. Adm. Code 300. Reports of Child Abuse and Neglect, Section 300.140;

- B) administrators of child care facilities and Department licensing staff when the appellant is an employee of a child care facility; and

- C) supervisors or administrators notified in accordance with 89 Ill. Adm. Code 300.100(f).

2) The following persons shall receive a notice of the final administrative decision, if the decision amends, expunges or removes any record made under Section 7.110 of the Abused and Neglected Child Reporting Act (89 ILCS 7.110):

- A) persons or agencies notified of the child victim(s) if they are not the same as the appellant;

- B) the mandated reporter who originally made the report of child abuse or neglect; and

- C) the juvenile court judge and guardian ad litem (when a State ward is involved).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Reg.

10317

Ill.

at 20

Amended at

AUG 01 1996

effective

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Reports of Child Abuse and Neglect
- 2) Code Citation: 99 Ill. Adm. Code 300
- 3) Section Numbers:
300.30 Adopted Action:
Amend
- 4) Statutory Authority: 325 ILCS 5
- 5) Effective Date of Amendments: August 1, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 1, 1996
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 4513, March 22, 1996

- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference between proposal and final version: With the exception of editing and formatting corrections suggested by the Joint Committee on Administrative Rules, no changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these proposed amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of These Adopted Amendments: The amendments add directors and employees to the list of persons mandated to report child abuse and neglect, as required by Public Act 89-367, effective August 18, 1995.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe St., Station #222
Springfield, IL 62701-1396
(217) 524-1393

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TTY: (217) 524-3715

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- W) directors or staff assistants of nursery schools or child day care centers;
- X) recreational program or facility personnel;
- Y) law enforcement officers;
- Z) registered psychologists;
- AA) assistants working under the direct supervision of a psychologist or psychiatrist;
- BB) field personnel of the Illinois Departments of Public Aid, Public Health, Mental Health and Developmental Disabilities, Corrections, Children and Family Services, Human Rights or Rehabilitation Services;
- CC) foster care workers;
- DD) foster care workers or any other child care workers;
- EE) supervisors and administrators of General Assistance under the Illinois Public Aid Code; or
- FF) substance abuse treatment personnel; or
- GG) financial home directors or their employees.
- Z) Acknowledgement of Reporting Responsibility
- A) Individuals who became mandated reporters on or after July 1, 1986, by virtue of their employment shall sign statements acknowledging that they are mandated to report suspected child abuse and neglect in accordance with Section 4 of the Abused and Neglected Child Reporting Act [325 ILCS 5.0/1].
- B) Any person who becomes a mandated reporter under this Act shall be on a form prescribed by the Department but provided by the employer. (See Appendix A.) The statement shall be signed before beginning employment and shall be retained by the employer as a permanent part of the personnel record.
- B) The Department shall provide, upon request at a reasonable cost of \$1.50 each, copies of the Abused and Neglected Child Reporting Act to all employers employing persons who are mandated to report under this Act.
- 3) Interference with Reporting Prohibited
- A) Any employer who knowingly or negligently interferes with or obstructs the reporting of child abuse or neglect by any person in the capacity of an employee of a medical or other public or private institution, school, facility or agency, may also notify the person in charge or designee of such institution, school, facility or agency that a report has been made. However, the person in charge or designee may not exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department. [325 ILCS 5.0/1] ~~1111-Rev-1989-ent-23-par-2554~~
- B) Any person who knowingly or negligently violates any provision of this Section shall be guilty of Class A misdemeanor. [325 ILCS 5.0/1] ~~1111-Rev-1989-ent-23-par-2554~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- C) Employers shall not discriminate in any manner against employees who make good faith reports of suspected child abuse or neglect or who act as witnesses or testify in an investigation or proceeding concerning a report of suspected child abuse or neglect. [325 ILCS 5.0/2.1] ~~1111-Rev-1989-ent-23-par-2554~~
- 4) Consequences of Failure to Report
- A) The privileged quality of communication between any professional person required to report to patient or client shall not constitute grounds for failure to report suspected child abuse or neglect. Mandated reporters who willfully fail to report suspected child abuse or neglect shall be subject to investigation and revocation in accordance with the following statutes:
- i) The Illinois Nursing Act of 1987 [225 ILCS 65] ~~1111-Rev-1989-ent-23-par-2554~~
- ii) Medical Practice Act of 1987 [225 ILCS 60] ~~1111-Rev-1989-ent-23-par-2554~~
- iii) Podiatric Medical Practice Act of 1987 [225 ILCS 100] ~~1111-Rev-1989-ent-23-par-2554~~
- iv) Clinical Psychologist Licensing Act [225 ILCS 15] ~~1111-Rev-1989-ent-23-par-2554~~
- v) Clinical Social Work and Social Work Practice Act [225 ILCS 35] ~~1111-Rev-1989-ent-23-par-2554~~
- vi) The School Code [105 ILCS 5] ~~1111-Rev-1989-ent-23-par-2554~~
- vii) The Illinois Dental Practice Act [225 ILCS 35] ~~1111-Rev-1989-ent-23-par-2554~~
- B) Any physician who willfully fails to report child abuse or neglect shall be referred to the Illinois State Medical Disciplinary Board for action. Any other person required to report suspected child abuse or neglect who willfully fails to report such abuse or neglect shall be guilty of Class A misdemeanor. [325 ILCS 5.0/1] ~~1111-Rev-1989-ent-23-par-2554~~
- 5) Written Confirmation of Reports
- A) Mandated reporters shall confirm their telephone report in writing on a form prescribed by the Department within 48 hours of the oral report. The Department shall provide forms to mandated reporters—one for the exclusive use of medical professionals and another for use by all other mandated reporters. These confirmation reports shall be admissible as evidence in any administrative or judicial proceeding related to child abuse or neglect. Local investigative staff shall submit confirmation reports to the State Central Register within 24 hours of receipt.
- C) Other persons may report suspected child abuse or neglect if they have

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- d) reasonable cause to believe a child may be abused or neglected.
 consequences of false reporting.
 Any person who knowingly submits a false report to the Department of Children and Family Services shall be guilty of a Class A misdemeanor under subsection (a)(17) of Section 26-1 of the Criminal Code of 1961 [220 ILCS 5/26-1(a)(17)].
 ¶111-Rev-Stat-1989-ch-387-par-36-11. A violation of this subsection is a Class B misdemeanor, punishable by a term of imprisonment for not more than 6 months, or by a fine not to exceed \$500, or both. Any person who violates this provision a second or subsequent time shall be guilty of a Class 4 felony. [325 ILCS 5/4].
 The Department shall refer cases of false reporting to the local State's Attorney when the reporter is known. ¶111-Rev-Stat-1989-ch-387-par-36-14.
- e) Cooperation in Court or Administrative Hearings
 Any person who is ordered by the Court to testify in any judicial proceeding resulting from the report about any evidence of the abuse or neglect or the cause of the abuse or neglect. Any mandated reporter listed in subsection (b)(1) who makes a report of suspected child abuse or neglect shall testify fully in any administrative hearing resulting from such report, as to any evidence of abuse or neglect or the cause thereof. No evidence shall be excluded because of any common law or statutory privilege regarding communications between the alleged perpetrator or the child subject and the person making or investigating the report.
 ¶111-Rev-Stat-1989-ch-387-par-36-15.
- f) Abused or Neglected Child
 Any child who is listed in subsection (b)(1) may refer to the Department of Public Health any pregnant person in Illinois who is addicted as defined in the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 10.1] ¶111-Rev-Stat-1989-ch-387-par-38-1-39.
- g) Depending upon Spiritual Means Through Prayer Alone for the Treatment or Cure of Disease or Remedial Care
 A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian, or custodian accepts and practices such beliefs. [225 ILCS 5/11].
 ¶111-Rev-Stat-1989-ch-387-par-36-16. The Department shall not take any action which would result in the removal of a child from the home or a substantial risk of harm to the child's health or welfare and medical care necessary to treat or prevent that harm or risk of harm is not being provided because a parent or other person responsible for the child's welfare depends upon such spiritual means, the child shall be subject to the requirements of the Abused and Neglected Child Reporting Act for the reporting of, investigation of, and provision of protective services with respect to the child and his health needs.

(Source: Amended at 20 Ill. Reg. 10328, effective

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

AUG 01 1996

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Functions and Planning Program
- 2) Code Citation: 23 Ill. Adm. Code 2310
- 3) Section Numbers: Adopted Action:
2310.80 Amendment
- 4) Statutory Authority: Implementing Section 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act (110 ILCS 1015/5.01, 1015/5.07 and 1015.5.13).
- 5) Effective Date of Rulemaking: July 1, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 22, 1996
- 9) Notice of Proposal Published in Illinois Register: 15 Ill. Reg. 5415 dated April 12, 1996.

- 10) Has JCARE issued a Statement of Objections to these rules? No

- 11) Difference(s) between Proposal and final version: None.

- 12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? No changes were made.

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: To fund its operations, the Authority charges participating institutions various user fees. An application fee based upon the original principal amount of the loan requested is charged when an application is received. If the application is approved, the Authority collects an administrative charge at the closing of the loan, and, on each July 1st thereafter, assesses and Annual Fee as long as the loan remains outstanding. The Authority reviews the costs of providing loans to participating institutions on an annual basis and adjusts the administrative charge and Annual Fee to reflect the actual costs of providing loans. The Authority is able to decrease its Annual Fee this year. The Annual Fee was equal to 2/100 of one percent of the original amount of the loan during each year the loan is outstanding. Under the adopted amendment, the Annual Fee has been decreased to 1.5/100 of one percent of the original amount of the loan during each year the loan is outstanding.

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Thomas P. Conley, Executive Director
Address: Illinois Educational Facilities Authority
231 West Market Drive, Suite 2800
Chicago, Illinois 60606

Telephone: (312) 781-6633

The full text of the Adopted Amendment begins on the next page:

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

CHAPTER XIV: ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

PART 310

FUNCTIONS AND PLANNING PROGRAM

Section

2310.5 Introduction

2310.10 Who May Apply for Financing

2310.20 Types of Educational and Cultural Facilities that can be Financed

2310.30 Types of Costs that can be Financed: Outstanding Debt

2310.40 Interest Rate on the Authority's Bonds

2310.50 Estimated Fee Schedule

2310.60 Length of Bond Issue

2310.70 Type of Bond Issue

2310.80 Fees

2310.90 Authority Bond Issues and Bond Ratings (Repealed)

EXHIBIT A
Estimated Fee Schedule as Special Bond Counsel with Respect to
Bonds Issued by Illinois Educational Facilities Authority
(Repealed)

AUTHORITY: Implementing Sections 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [10 ILCS 1015/5.01, 5.07 and 5.13].

SOURCE: Filed December 23, 1977; amended at 4 Ill. Reg. 29, P. 270, effective July 2, 1980; amended at 6 Ill. Reg. 7413, effective July 1, 1982; codified at 7 Ill. Reg. 16396; amended at 8 Ill. Reg. 5132, effective April 6, 1984; amended at 8 Ill. Reg. 8444, effective June 5, 1984; amended at 10 Ill. Reg. 10569, effective June 30, 1986; amended at 11 Ill. Reg. 9106, effective April 28, 1987; amended at 11 Ill. Reg. 10600, effective May 26, 1987; amended at 13 Ill. Reg. 7899, effective May 15, 1989; amended at 17 Ill. Reg. 9680, effective July 1, 1993; amended at 20 Ill. Reg. 10336.

JUL 01 1996

Section 2310.80 Fees

a) The Authority charges the following fees:

1) Application Fee - for processing an Application for Assistance submitted with application and not refundable.

A) \$250.00 on issues up to but not including \$1,000,000 principal amount;

B) \$500.00 on issues of \$1,000,000 up to but not including \$5,000,000 principal amount; and

C) \$1,000.00 on issues of \$5,000,000 principal amount and over.

AGENCY NOTE: This fee will be credited to the

Administrative Charge upon completion of the related bond

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

CHAPTER XIV: ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

PART 310

FUNCTIONS AND PLANNING PROGRAM

Section

2310.5 Introduction

2310.10 Who May Apply for Financing

2310.20 Types of Educational and Cultural Facilities that can be Financed

2310.30 Types of Costs that can be Financed: Outstanding Debt

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2310.60 Length of Bond Issue

2310.70 Type of Bond Issue

2310.80 Fees

2310.90 Authority Bond Issues and Bond Ratings (Repealed)

EXHIBIT A
Estimated Fee Schedule as Special Bond Counsel with Respect to
Bonds Issued by Illinois Educational Facilities Authority
(Repealed)

AUTHORITY: Implementing Sections 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [10 ILCS 1015/5.01, 5.07 and 5.13].

SOURCE: Filed December 23, 1977; amended at 4 Ill. Reg. 29, P. 270, effective July 2, 1980; amended at 6 Ill. Reg. 7413, effective July 1, 1982; codified at 7 Ill. Reg. 16396; amended at 8 Ill. Reg. 5132, effective April 6, 1984; amended at 8 Ill. Reg. 8444, effective June 5, 1984; amended at 10 Ill. Reg. 10569, effective June 30, 1986; amended at 11 Ill. Reg. 9106, effective April 28, 1987; amended at 11 Ill. Reg. 10600, effective May 26, 1987; amended at 13 Ill. Reg. 7899, effective May 15, 1989; amended at 17 Ill. Reg. 9680, effective July 1, 1993; amended at 20 Ill. Reg. 10336.

JUL 01 1996

Section 2310.80 Fees

a) The Authority charges the following fees:

1) Application Fee - for processing an Application for Assistance submitted with application and not refundable.

A) \$250.00 on issues up to but not including \$1,000,000 principal amount;

B) \$500.00 on issues of \$1,000,000 up to but not including \$5,000,000 principal amount; and

C) \$1,000.00 on issues of \$5,000,000 principal amount and over.

AGENCY NOTE: This fee will be credited to the

Administrative Charge upon completion of the related bond

2) Administrative Charge - for completing a bond financing - 1/4 of 1% of the principal amount of bonds issued or \$10,000 whichever is less - payable following the bond closing.

AGENCY NOTE: The Administrative Charge includes the Annual Fee for the year following the issuance of the bonds.

3) Annual Fee - for servicing a bond financing for one year - for annual fees coming due on or after July 1, 1996 1999, the Annual Fee shall be 1.5/100 of 1% of the original amount of the bond issue - payable in advance and not refundable.

b) These fees are designed to cover the operating expenses of the Authority. In addition, the participating institutions will be expected to bear all other costs of the financing, including the cost of printing, recording and recording fees, and the fee and the fee and disbursements of bond counsel. These fees may be financed with bond proceeds.

(Source: Amended at 20 Ill. Reg. 10336, effective

JUL 01 1996)

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pre-Licensing and Continuing Education
- 2) Code Citation: 50 Ill. Adm. Code 3119
- 3) Section Number:
3119.20 Adopted Action:
Amended
3119.30 Amended
3119.40 Amended
3119.45 New Section
3119.50 Amended
3119.60 Amended
3119.70 Amended
3119.75 Amended
3119.80 Amended
3119.85 Amended
3119.90 Amended
3119.95 Amended
3119.100 Amended
- 4) Statutory Authority: Implementing Section 494.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/494.1 and 401].
- 5) Effective Date of Amendments: July 19, 1996
- 6) Does this Amendment contain an automatic repeal date? No
- 7) Does this Amendment contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: July 19, 1996
- 9) Notice of Proposal Published in Illinois Register: March 15, 1996, 20 Ill. Reg. 4173
- 10) Has JCAR issued a Statement of Objections to this Amendment? No
- 11) Differences(s) between proposal and final version:
 - a) In the table of contents - 3119.40 add "Until 1/1/97" at the end.
 - b) In the table of contents - 3119.45 add "the" following "of" on the first line.
 - c) In the table of contents - 3119.45 add "the" following "and" on the second line.
 - d) In the table of contents - 3119.45 add "Beginning 1/1/97" at the end.
 - e) In the table of contents, change "Exhibit C1" to "Exhibit C".

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED AMENDMENTS

- f) In the table of contents, change "Exhibit D1" to Exhibit D".
 - g) Section 3119.30(e) - On line eight, change "3119.Exhibit C1" to "3119.Exhibit C". Also, change "3119.Exhibit D1" to "3119.Exhibit D".
 - h) Section 3119.30(h) - On the third line, delete "of" following "collecting".
 - i) Section 3119.30(h) - The last sentence has been deleted.
 - j) Section 3119.40 - In the title of this Section, add "Until 1/1/97" at the end.
 - k) Section 3119.45 - In the title of this Section, add "the" following "of" on the first line. Add "the" after "and" on the second line. Also, add "Beginning 1/1/97" at the end.
 - l) Section 3119.45 - The introductory paragraph has been deleted.
 - m) Section 3119.60(f) - Add "Until January 1, 1997," at the beginning and change "The" to "the".
 - n) Section 3119.60(g) - Delete the first sentence. Add "After December 31, 1996," and change "The" to "the" in the second sentence.
 - o) Section 3119.70(a)(9) - On the third line change "subsection" to "Section".
 - p) Section 3119.Exhibit C - Change "Exhibit C1" to "Exhibit C".
 - q) Section 3119.Exhibit D - Change "Exhibit D1" to "Exhibit D".
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the Agreement letter issued by JCAR? Yes
- 13) Will this Amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: A number of major changes in continuing education are on the horizon for Illinois insurance producers. In conjunction with recommendations of the Professional Independent Insurance Association of Illinois and the Illinois Life Underwriters Association, the Department of Insurance included in its 1995 legislative package a revised continuing education proposal that was ultimately enacted by the Illinois General Assembly (PA 89-132).
- Effective January 1, 1997, all resident insurance producers will be

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

required to obtain 15 hours of continuing education each year prior to renewing their license. The current requirement is for 25 hours but only for the first four renewals after producer is initially licensed. There will be no continuing education requirement for the first four renewals. Producers who have been licensed for four years, as well as those who were grandfathered out of the initial continuing education requirement, are all subject to the new requirement.

16) Information and questions regarding this adopted amendment shall be directed to:

Bruce Cassens
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 782-5415

The full text of the adopted amendments begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER II: INSURANCE PRODUCERS, LIMITED INSURANCE
REPRESENTATIVES AND REGISTERED FIRMS

PART 3119
PRE-LICENSING AND CONTINUING EDUCATION

Section	Purpose
3119.10	Definitions
3119.20	Producers Responsibilities
3119.30	Responsibilities of Applicant
3119.40	Licensed and Licensed Insurance Producers Until 1/1/97
3119.45	Responsibilities of the Applicant for Insurance Producer Licenses and the Licensed Insurance Producers Beginning 1/1/97
3119.50	Pre-Licensing - Course of Study Requirements
3119.60	Continuing Education Requirements
3119.70	Course and Provider Disqualification
3119.80	Severability
EXHIBIT A	REQUEST FOR CERTIFICATION OF A PRE-LICENSING COURSE
EXHIBIT B	REQUEST FOR CERTIFICATION OF A CONTINUING EDUCATION COURSE
EXHIBIT C	PROVIDER LISTING OF KNOWLEDGE FOR PRE-LICENSING EDUCATION
EXHIBIT D	PROVIDER LIST - PROOF OF COMPLETION FOR CONTINUING EDUCATION
EXHIBIT E	ENROLLING-BRIGADIER---PRAP-PP-EMERGENCY
EXHIBIT F	COURSE OF STUDY - LIFE CLASS-PP-INSURANCE---SAFE
EXHIBIT G	COURSE OF STUDY - ACCIDENT/HEALTH
EXHIBIT H	INSURANCE---ACCIDENT/HEALTH
EXHIBIT I	COURSE OF STUDY - FIRE
EXHIBIT J	COURSE OF STUDY - CASUALTY/MOTOR VEHICLE

AUTHORITY: Implementing Section 494.1 and authorized by Section 401 of the Illinois Insurance Code 1215 ILCS 5/494.1 and 1011.

SOURCE: Adopted at 9 Ill. Reg. 80, effective January 1, 1985; amended at 15 Ill. Reg. 69, effective January 1, 1991; amended at 16 Ill. Reg. 126, effective January 1, 1992; amended at 17 Ill. Reg. 16568, effective November 1, 1994; amended at 20 Ill. Reg. 10340, effective JUL 1996.

Section 3119.20 Definitions

For the purposes of this Part, the following definitions shall apply:

"Course" - Any course of study certified to the Director which meets the requirements of this Part, including but not limited to seminars, classroom and self-study formats and interactive computer.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

"Date of Original Issue" - The date of the issuance of a producer's license. Any lapse or suspension of three years or more shall establish a new date of original issue and subject the person to this part.

[illegible]

up-provider - Any person who offers a course for which certification has been received by the Director.

"Successful Completion" - Passing an examination in accordance with criteria established by the provider.

"Supervised Examination" - A proctored, timed and closed book examination.

Traditional Long-Term Care (LTC) and Long-Term Care Partnership (LTPC) training credit – Prescribed training required by licensed producers prior to the producer being allowed to sell LTC and LTPC. This training is required pursuant to 50 Ill. Adm. Code 201.122(a)(9) and 201.80(d) and may satisfy a part of the continuing education requirement if the course is filed with the Department as a continuing education course.

(Source: Amended at 20 Ill. Reg. 10340, effective JUL 19 1996)

section 3119.30 Provider Responsibilities

- Each provider shall submit a certification form to the Director for each course it intends to offer for pre-licensing or continuing education credit. Seminar-certifications must contain the area-of-study, the instructor's name, and the date such course was given. Classroom-certifications must be on a form as prescribed by either Exhibit A or B of this Part, whichever is applicable.
- Each provider shall submit a new certification form when any-time there is a significant change in the course.
- Each provider shall maintain a copy of all instructional materials for each course. If the provider ceases to offer a course or makes a significant change in course materials, the provider shall maintain the original material for one year from the date such course was terminated or significantly changed.
- Each provider shall maintain the following records for three years at a central location:
 - Classroom or seminar roster for each classroom course or seminar; the instructor(s); the student(s); the course;

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

the location, the date and hours of attendance, the completion date, the examinations and the results of any examinations administered.

- 2) Self-study or integrative computer - name of student, name of provider, date of completion, the examinations, and the results of examinations, and other applicable proof of completion.
- e) Each provider shall provide to the Director a list of students who have successfully completed a pre-licensing or continuing education course. The list shall be in a form and contain the information required by 3119-Exhibit C or Exhibit D of this part. Each list shall be received by the Director within ten days following the end of the week in which the course was completed. The list shall be submitted pursuant to the criteria established in Section 3119-60(a)(2) and (3) and Section 3119-60(d) of this part. The list shall be submitted pursuant to the criteria established in Section 3119-60(a)(2) and (3) and Section 3119-60(d) of this part. The list shall be submitted pursuant to the criteria established in Section 3119-60(a)(2) and (3) and Section 3119-60(d) of this part.
- f) Each provider shall meet the following minimum requirements: either a Bachelor's degree or three years experience in the course subject matter. Providers must maintain evidence of such qualifications while the instructor is actively engaged in instructing the course and for one year thereafter.
- g) Providers shall, upon the request of the Director, provide a copy of all course material, provider records, and evidence of instructor's qualifications to the Director. All such requests shall be subject to a warrant of the Director and for the express purpose of gauging compliance with the Illinois Insurance Code and Departmental regulations pertaining thereto.
- b) The Director may make arrangements, including contracting with an outside service administrator, for the purpose of collecting and collecting the educational data for the reporting requirements. Under such an arrangement shall be a copy of the reporting requirements of the provider shall be made to the servicing administrator.
- (Source: Amended at 20 till. Reg. 10340, effective July 19, 1996)
- on 3119.40 Responsibilities of Applicant Applicants for Insurance
Licenses and Licensed Insurance Producers Until 1/1/97
- a) Applicants for Insurance Producer Licenses
Prior to taking the licensing examination each applicant shall complete the pre-licensing education requirements for each class of insurance for which an examination is being taken. The pre-licensing education course must be used within one year of completion. Each applicant shall submit the original proof of completion to the Director. The requirements of the examination at the examination site are the requirements of the examination at the examination site. Licensed Insurance Producers.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

to be considered for such material is incidental to and an integral part of the course. To be considered as incidental, the number of hours may not exceed 50% of the total number of hours devoted to acceptable basic course material. The following courses shall not be considered for continuing education:

- 1) Courses used for insurance pre-licensing training or insurance continuing education.
- 2) Courses teaching general business, general accounting, management, communication, computer operation and other courses whose subject matter does not increase the knowledge of insurance regulations and coverages, applicable laws, and insurance education credit.
- 3) Courses with less than three hours of certified continuing education credit.
- 4) The value of course credit for the purposes of this Section shall be determined as follows:
a) For seminars, the value shall be determined as follows:

Successful Completion
Students who successfully complete a supervised examination will receive full credit for the course.

B) **Unsuccessful Completion**
Students who do not successfully complete a supervised examination shall receive one hour of credit for each hour of documented classroom attendance not to exceed 50% of full credit.

- ## 2) Non-Supervised Examination

A) Successful Completion
Students who successfully complete a non-supervised examination will receive full credit for the course.

B) **Unsuccessful Completion**
Students who do not successfully complete a non-supervised examination will receive no credit.

- 3) Courses without Examination
Students will receive credit for documented attendance based on the certified hours assigned to the course.

- 4) All Examinations
A) No students shall evaluate their own examination. The evaluation of the examination must be completed by the provider.

B) No provider shall furnish the answers to an examination prior to the student completing the examination.

C) Credit shall be given based only upon the results of the examination the first time the examination is completed by

- S) TLTC and LTCP Training Credit
one student.

5) MLRC and LRCP Training Credit
A) Continuing education credit may be earned based on the credits established in subsection (d) of this Section.

H) Training credit may be obtained after a failed examination

DEPENDENCE OF INCIDENCE

STRENGTHENING DATA: 30 JULY 2011

if the provider gives, and the student successfully completes, a substantially different examination.

- c) If a student receives training credit only, the provider shall issue a proof of completion certificate to the student but the certificate shall be prominently stamped "NO CON-2D"

- e) No additional credit will be given to a producer for a repeated course unless three years have passed since credit was given for the course
- ~~that has been accepted by a committee and in which the product was~~

- f) Until January 1, 1997, the maximum credit a producer can receive for any one course is 25 points.

- After December 31, 1996, the maximum credit for any course is 15 hours.

- Continuing education instructors may receive continuing education credit or courses they teach. The credit earned shall be determined pursuant to the criteria established in this Section.

(Source: attended at 20 Ill. Reg. 10340, effective July 19, 1996)

Section 1119-70 Course and Provider Disqualification

- a) The Director may disqualify any provider and/or any provider's course(s) if the Director finds that:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- C) provides to the student a proof of completion form which contains false or incomplete information;
- D) provides to the student a partially completed proof of completion form;
- 7) the provider has failed to maintain the materials and records pursuant to Section 319.30 of this Part; 7
- 8) the provider failed to furnish upon request of the Director to provide the Director with information and records required by Section 319.30 of this Part, or the provider supplied provided false or incomplete information to the Director with an intent to defraud;
- 9) the provider's record of completion list required by Section 319.30(e) of this Part is not a true and correct record of the week in which the course was completed;
- 10) The provider has, while conducting business, as a provider, used fraudulent or dishonest practices, or has demonstrated incompetence or untrustworthiness.
- b) Disqualification of a provider or course pursuant to this Section shall be by written order of the Director and will be sent to the provider by certified or registered mail at the address specified in the records of the Department. The provider may request a hearing in writing in accordance with Section 319.30 Code 319.30 within 30 days from the date of mailing of the written order. If a hearing request is made, such as the expiration of said 30 days.
- c) If the provider requests a hearing pursuant to this Section within 30 days, then the Director shall issue within 30 days of receipt of such request a written notice of hearing to the provider by certified or registered mail and it will be sent to the provider at the address as specified in the records of the Department. Such notice of hearing must state: 7-and-sending:
- 1) The grounds, charges or conduct which justifies disqualification under this Section;
 - 2) A specific time for the hearing, which may not be less than 20 days nor more than 30 days after the mailing of the notice of hearing; and
 - 3) A specific place for the hearing.
- d) Upon disqualification, the provider shall immediately discontinue offering its course(s) as a certified course(s). The Director shall publish all final disqualifications.
- e) In any order of disqualification, the Director shall give consideration of credit hours to present students.

(Source: Amended at 20 Ill. Reg. 10340, effective JUL 19 1996)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 319. EXHIBIT A REQUEST FOR CERTIFICATION OF A PRELICENSING COURSE

Illinois Department of Insurance
320 W. Washington Street
Springfield, IL 62767-0001

Section 319, Exhibit A

Request for Certification of a Pre-Licensing Course

Provider Name		Phone Print or Type		Paper or Employee's ID	
Provider's Address (street, city, state, zip code)				<input type="checkbox"/> Paper <input type="checkbox"/> Employee's ID	
Contact Person		5. Published Photo #		6. Photo of Contact Person	
Course Title		7. Fee (State course fee to be waived)		Public Education	
Class of Insurance to which Course is Applicable		Property		Casualty	
Life		Accident & Health		Motor Vehicle	

INSTRUCTIONS				
<p>1. DO NOT SEND PAYMENT WITH THIS REQUEST. Upon approval you will be billed for the appropriate fee.</p> <p>2. Submit a separate Exhibit A for each class of insurance.</p> <p>3. In addition to this request, please submit a limited course outline or syllabus with Exhibits E, F, G, and H of Rule 319.</p> <p>4. Records are in hours.</p> <p>5. Filing a duplicate fee. Submit a copy of the fee page with date of obituary and exam number. Any</p>				
<p>Please indicate on the boxes below the amount of time you will spend on each type of instruction mentioned.</p> <p>1 = Classroom only 2 = Self study only 3 = Mixed classroom/self study 4 = Combination self study</p>				
Type of Instruction		1 2 3 4		
Classroom or Seminar Hours				
Self Study Hours				
Instructional Materials				
Hours				
Other Hours				
Exam Hours				
Total Number of Credit Hours Requested				
Exam Method: Self-Supervised				
Not Self-Supervised				
Other Exam				

—Director's Use Only— Course certified for _____ education hours Course not certified _____ Comments	
---	--

By _____	Date _____
----------	------------

We certify the above information is accurate and liable to comply with 50 Ill. Ann. Code 319.3 may result in disqualification.

Signature _____ Date _____ Printed Name _____ Title _____

10340

(Source: Added at 20 Ill. Reg.

JUL 19 1996

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

requirements of Part 3119 shall result in our disqualification:

Signature: _____
 Name: _____
 Title: _____
 Date Submitted: _____

PER USE BY THE OFFICE OF THE DIRECTOR OF INSURANCE ONLY

Course certified for: _____ continuing education credit hours
 Course not certified for continuing education credit hours: _____

Comments:

By: _____

(Source: Amended at 20 Ill. Reg. 10340, effective JUL 19 1995)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 3119, EXHIBIT C — PROOF OF COMPLETION FOR PRE-LICENSING
 EDUCATION PRELICENSING REGISTRATION—PROOF OF COMPLETION

Illinois Department of Insurance
 200 W. Madison Street
 Springfield, IL 62702

Section 3119, Exhibit C

Provider List—Proof of Completion for Pre-Licensing Education

Information Must Be Printed or Typed or Computer Generated		Credit Hours (15 Minutes = 1 Credit Hour)
Course Title		
Reporting Period (week, month, day, year)	Date Submitted	
Certified Provider Name		
Provider Federal Employee ID Number (FEIN)	Provider Score Security Number (if an individual)	
I certify that the information in this provider list is true and correct to the best of my knowledge, and that I make statement is made for provider disqualification.		
Authorized Signature of Provider	Date	
Printed Name of Authorized Signature	Printed Name of Instructor	
INSTRUCTIONS		
<p>1. Providers must submit a list of course data and student data as illustrated in the format on this form to the Department of Insurance.</p> <p>2. For every course completed, the list must be received within 10 days of the end of the week in which the course was completed. The list must be received by the Department of Insurance no later than the 10th day of the month following the month in which the course was completed. The list must be received by the Department of Insurance in alphabetical order by date of completion. Early submissions are welcome.</p> <p>3. If additional space is needed to accommodate the student list, each page should be marked as follows</p>		
COURSE NUMBER	PROVIDER NAME	REPORTING PERIOD
SOC SEC NUMBER	STUDENT NAME	COURSE
		CREDIT HOURS
1		
2		
3		
4		
5		
6		
7		
8		

(Source: Added at 20 Ill. Reg. 10340, effective JUL 19 1995)

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED AMENDMENTS

SWAPS-OP-1616INIS
DEPARTMENT-OP-INSURANCE
EFFECTIVE--01/01/91

INFORMATION MUST BE PRINTED OR TYPED

STUDENT'S NAME-----
STUDENT'S SOCIAL SECURITY NUMBER-----
STUDENT'S ADDRESS-----
COURSE
CLASS
GP
BASIC

COURSE NAME
NUMBER
INSURANCE
GP
BASIC

I hereby certify that the above information is true and correct to the best of my knowledge and belief, and that a false statement is cause for denial, suspension or revocation of licensure.

Student's Signature _____ Date _____

Name of Certified Provider-----SSN or PUIN of Certified Provider

I hereby certify that the above information is true and correct to the best of my knowledge and belief, and that a false statement is cause for provider disqualification.

Authorized Signature for Provider _____ Date _____

Printed Name for Authorized Signature-----Printed Name of Instructor

BO-NOT-OTHER IDENTIFICATION AND COURSE NUMBERS--OR--FOUR--REQUEST--WILL--NOT--BE HONORED.

(Source: Amended at 20 Ill. Reg. **10340**, effective **JUL 19 1996**)

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED AMENDMENTS

Section 3119, EXHIBIT D PROVIDER LIST - PROOF OF COMPLETION FOR CONTINUING EDUCATION CONTINUING EDUCATION--PROOF-OP-COMPLETION

Illinois Department of Insurance
1501 North Dearborn Street
Springfield, IL 62761-0001

Section 3119, Exhibit D
Provider List--Proof of Completion for Continuing Education

Information Must Be Printed or Typed or Computer Generated

Credit Hours (25 maximum) (1-11/91)

Courses Title	Credit Hours (25 maximum) (1-11/91)
Reporting Period (month/year/day)	Date Submitted
Certified Provider Name	Provide Social Security Number (if an individual)
Provider Federal Employee ID Number (FEIN)	Provide Social Security Number (if an individual)
I certify that the information in this provider list is true and correct to the best of my knowledge, and that a false statement is cause for provider disqualification.	Date
Authorized Signature of Provider	Printed Name of Registrar

INSTRUCTIONS

1. Provider must submit a list of course data and student data as illustrated in the format on this form to the Department or to the Department's designee.
2. For every course completed the list must be received within 10 days of the end of the week in which the course was completed. The list must be received by the Department or its designee no later than the 10th day of the month in which the course was completed. Early submissions are welcome.
3. If additional space is needed to accommodate the student list, each page should be headed as follows:

COURSE NUMBER
PROVIDER NAME
REPORTING PERIOD
1. The student credit earned column does not have to be completed unless the hours are less than full credit.

SOC. SEC. NUMBER	STUDENT NAME	CREDIT EARNED	COURSE COMPLETED
1			
2			
3			
4			
5			
6			
7			

(Source: Added at 20 Ill. Reg. **10340**, effective **JUL 19 1996**)

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED AMENDMENTS

STATE OF ILLINOIS
DEPARTMENT OF INSURANCE
BUREAU OF REGISTRATION
INFORMATION-WHIST-BE-PRINTED-OR-TYPED

JUL 19 1996

PRODUCER'S NAME=====

PRODUCER'S SOCIAL SECURITY NUMBER=====

COURSE NUMBER=====

COURSE TYPE=====

DATE COMPLETED=====

EXPIRY HOURS EARNED=====

CERTIFIED PROVIDER NAME=====

PROVIDER FEDERAL EMPLOYER'S IDENTIFICATION NUMBER (FEIN)=====

PROVIDER SOCIAL SECURITY NUMBER (if provider is an individual)=====

I hereby certify that the above information is true and correct to the best of my knowledge and belief, and that a false statement is cause for denial, suspension or revocation of license.

Producer's Signature Date

I hereby certify that the above information is true and correct to the best of my knowledge and belief, and that a false statement is cause for provider disqualification.

Authorized Signature for Provider Date

Printed Name for Authorized Signature Printed Name of Instructor

It is important that this form be completed and sent to the Department of Insurance attached only to the producer's license renewal application for the first four years following the original license issue date.

DO NOT OMIT IDENTIFICATION AND COURSE NUMBERS OR FOUR REQUEST WILL NOT BE HONORED.

(Source: Amended at 20 Ill. Reg. 10340, effective

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED AMENDMENTS

Section 3119. EXHIBIT E COURSE OF STUDY CLASS-OF-INSURANCE - LIFE

Course of Study Content
Requirements
Time Distribution
Requirements
32%

I. Types of policies and coverages

- A. Endowment
- B. Term
 1. Level term
 2. Decreasing term
- C. Whole Life
- D. Limited pay policies
- E. Combination plan
- F. Other types of policies:
 1. Modified life
 2. Family plans
 3. Deposit term
 4. Universal life
- G. Accidental death and dismemberment
- H. Uses for term insurance
- I. Uses for whole life insurance
- K. Group life
- L. Industrial insurance

II. Policy provisions, options and benefits

- A. Entire contract
- B. Insuring clause
- C. Free look
- D. Consideration clause
- E. Contingent beneficiary
- F. Primary and contingent beneficiaries
- G. Change of beneficiary
- H. Grace period
- I. Automatic premium loan
- J. Reinstatement
- K. Policy loan
- L. Nonforfeiture options
- M. Dividends and dividend options
- N. Guaranteed insurability options
- O. Incontestability
- P. Assignment
- Q. Suicide

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- R. Misstatement of age
- S. Settlement options
- T. Surrender of premiums
- U. Accidental death benefit
- V. Term riders
- W. Exclusions
- X. Conversion Options (individual and group)

III. Completing the application and delivering the policy 16%

- A. Completing the application and obtaining necessary signatures
- B. Warranties and Representations
- C. Complying with provision of Fair Credit Reporting Act and Illinois Insurance Privacy Act
- D. Explaining the effect of the application with money
- E. Explaining the effect of the application without money
- F. The application process
- G. Delivery and explanation of the policy

IV. Taxes, retirement and other insurance concepts 12%

- A. Insurable interest
- B. Third party ownership
- C. Individual tax shelter plans, IRA, Keogh and TSA
- D. Social Security benefits and taxes
- E. Tax treatment of premiums and proceeds of insurance contracts
- F. Determination of premiums
 1. Mortality
 2. Interest
 3. Expenses

G. Policy reserves

(Source: amended at 20 Ill. Reg. 10340, effective JUL 19 1996)

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED AMENDMENTS

Section 3119. EXHIBIT F CLASS-OF-INSURANCE COURSE OF STUDY - ACCIDENT/HEALTH

Course of Study Content Requirements

I. Types of policies and coverages 30%

- A. Disability income
- B. Accidental death and dismemberment and other indemnity plans
- C. Medical expense insurance
- D. Medicare and Medicare supplements
- E. Medicaid
- F. Limited coverage plans (cancer plans and travel accident)

II. Policy provisions, options and benefits 30%

- A. Entire contract
- B. Insuring clause
- C. Free look (ten day, twenty day)
- D. Consideration clause
- E. Owner's rights
- F. Change of beneficiary
- G. Grace period
- H. Probationary (waiting) period
- I. Reinstatement
- J. Time limit on certain defenses
- K. Maturity of age
- L. Waiver of premiums
- M. Exclusions
- N. Payment of claims
- O. Notice of claims
- P. Claim forms
- Q. Proof of loss
- R. Legal actions
- S. Time of payment of claims
- T. Physical examinations and autopsy
- U. Change of occupation
- V. Unemployment benefits
- W. Nonapplicability and coordination of benefits (e.g., primary vs. excess benefits)
- X. Group Conversions

- III. Completing the application and delivering the policy 10%
 - A. Completing the application and obtaining necessary signatures
 - B. Warranties and Representations
 - C. Complying with provisions of Fair Credit Reporting Act and Illinois Insurance Privacy Act
 - D. Explaining the effect of the application with money

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED AMENDMENTS

- E. Explaining the effect of the application without money
- F. The underwriting process
- G. Delivery and explanation of the policy

IV. Group insurance, taxation, and other insurance concepts 16%

- A. Group insurance
- B. Occupational vs. nonoccupational coverage
- C. Social security disability benefits and taxes
- D. Service organizations (e.g., Blue Cross/Blue Shield, BMO)
- E. Tax treatment of premiums and proceeds of insurance contracts (e.g., disability and medical expense)

V. Other provisions affecting insurance benefits 14%

- A. Deductibles
- B. Elimination (waiting) period
- C. Coinsurance
- D. Preexisting conditions
- E. Renewable provisions (e.g., noncancelable, guaranteed renewable, conditionally renewable, optionally renewable)
- F. Covered medical expenses

(Source: Approved at 20 Ill. Reg. effective 10340, effective JUL 19 1996)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Prescreening
- 2) Code Citation: 89 Ill. Adm. Code 681
- 3) Section Numbers:

Adopted Action:	681.10
Amendments	681.20
Amendments	681.30
New Section	681.35
Amendments	681.40
Amendments	681.50
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3).
- 5) Effective Date of Rulemaking: July 19, 1996
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 19, 1996
- 9) Notice of Proposal Published in Illinois Register: February 23, 1996, 20 Ill. Reg. 3502
- 10) Has JCPR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Extensive changes were made during the 1st Notice period as a result of negotiations with the industry and in cooperation with the Department of Public Aid (DPA), the Department of Mental Health and Developmental Disabilities (DMHDD), the Department of Public Health (DPH) and the Department of Aging (DOA).
- 12) Have all the changes agreed upon by the agency and JCPR been made as indicated in the agreement letter issued by JCPR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: In conjunction with the DPA, DMHDD, DPH, and DOA, DORS is amending its rules on prescreening of individuals seeking nursing home placement. The rulemaking clarifies who must be prescreened based on the individuals circumstances and the type of facility in which they are seeking placement.
- 16) Information and questions regarding these adopted amendments shall be

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

directed to:

Ms. Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, IL 62794-9429
 (217) 785-3896
 TTY: (217) 785-9301

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 20 Ill. Reg. **10366**, effective
JUL 19 1996)

Section 681.35 Assessment validity Period and Customer Rights

A prescreening shall be valid for a period of 90 calendar days from the date of completion. The individual who is prescreened shall be informed of this.

- a) the availability of services through the Home Services Program, if such services are appropriate; and
- b) his/her right to refuse nursing facility placement, Home Services, or both.

(Source: Added at 20 Ill. Reg. **10366**, effective
JUL 19 1996)

Section 681.40 Time Frames for Action on Prescreenings

- a) If a request for a prescreening is received by DORS from a cooperating social service agency/hospital which is providing DORS with customer information including a DON score, the counselor must act on the request within 2 working days.
- b) If a request for prescreening is received by DORS from a social services non-cooperating agency/hospital or the community which includes with--include only basic customer information (i.e., name, address, etc.), the counselor must act on the request within 5 19 working days.

(Source: Amended at 20 Ill. Reg. **10366**, effective
JUL 19 1996)

Section 681.50 Outcome of Prescreening Process

As a result of the prescreening, the individual will be determined as:

- a) eligible to--receive--Medicaid--payment for nursing facility institutional placement and therefore eligible to consider HSP as an alternative to institutional care; or
- b) ineligible to--receive--Medicaid--payment for nursing facility institutional placement or to receive HSP services. However, the individual may still be eligible to receive HSP services.

(Source: Amended at 20 Ill. Reg. **10366**, effective
JUL 19 1996)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Projects with Industry
- 2) Code Citation: 89 Ill. Adm. Code 640
- 3) Section Numbers: Adopted Action:
640.20
New Section
640.30
- 4) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].
- 5) Effective Date of Rulemaking: July 19, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 19, 1996
- 9) Notice of Proposal Published in Illinois Register: February 9, 1996, 20 Ill. Reg. 2374
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The changes/additions are being made to clarify the relationship that exists between DORS and approved PMI's.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Ms. Susan Warner, Manager
Address: Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 6142
Springfield, Illinois 62794-9429
Telephone: (217) 785-9301

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER C: VOCATIONALLY RELATED PROGRAMS

PART 640
PROJECTS WITH INDUSTRY

Section
640.10 General Provisions
640.20 Eligibility Determinations
640.30 Referral to Approved PWIS by DORS

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted by Ill. Reg. 11271, effective June 30, 1994; amended at 20 Ill. Reg. 10371, effective July 1, 1996.

Section 640.20 Eligibility Determinations

- a) Favorable determination regarding an individual's eligibility made by an approved PWI shall be reviewed by DORS. DORS shall review all favorable eligibility determinations for individuals made by any entity having an approved PWI through a review within the State of Illinois.
- b) Upon receipt from the entity with the approved PWI approved entity of the eligibility determination and documentation on which the determination was made, the appropriate DORS local office staff person shall review the determination and the documentation to determine if the DORS' rules at 89 Ill. Adm. Code 553 - Eligibility. The outcome of this determination shall be:
 - 1) the determination is found to be appropriate and the individual is determined eligible to receive DORS services pursuant to the criteria listed in 89 Ill. Adm. Code 553. In such instance DORS will own a vocational rehabilitation case for the purposes of tracking and assistance and will develop an individualized Written Rehabilitation Program (49 Ill. Adm. Code 572) for the provision of services through the PWI; no further action is necessary;
 - 2) the individual is determined to be appropriate for PWI services, but not eligible for DORS services. DORS will inform the approved entity that the determination of eligibility for PWI services is appropriate; or
 - 3) the individual is determined to be ineligible for DORS services and PWI services and the determination is found to be inappropriate or in error. DORS notifies the entity with the approved PWI approved entity that the individual is not eligible to receive services through the PWI.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- c) Failure by DORS to act within the 60 calendar day period commencing upon receipt of the determination shall indicate concurrence with the determination made by the entity--with-the--approved PWR approved entity.

effective

(Source: Amended 20 Ill. Reg. 10371)

Section 640.30 Referral to Approved PWs by DORS

DORS will refer a customer to a PWR when it is determined that:

- a) the customer is eligible for DORS services;
b) the customer meets DORS' Order of Selection; and
c) PWR services are determined appropriate for the customer.

(Source: Added 20 Ill. Reg. 10371)(Source: Added 20 Ill. Reg. 10371)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Services
- 2) Code Citation: 49 Ill. Adm. Code 590
- 3) Section Numbers: 590.120
Adopted Action: Amendments
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3), and authorized by Section 16 of the Civil Administrative Code of Illinois (20 ILCS 5/16).
- 5) Effective Date of Rulemaking: July 19, 1996
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 19, 1996
- 9) Notice of Proposal Published in Illinois Register: February 16, 1996, 20 Ill. Reg. 3071
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments clarify the conditions under which post-employment services may be provided to a customer of the Vocational Rehabilitation Program.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896
TTY: (217) 785-9301

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendment begins on the next page.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER D: VOCATIONAL REHABILITATION

PART 590

SERVICES

SUBPART A: APPLICABILITY

Section

- 590.10 General Applicability
- 590.20 Availability of Services
- 590.30 Effect of Financial Status on Services
- 590.35 Effect of Comparable Benefits
- 590.40 Choice of Service Providers

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section

- 590.50 Provision of Services
- 590.60 Qualification of Medical and Psychological Service Providers
- 590.70 Treatment of Acute Conditions
- 590.80 Medication and Treatment
- 590.90 Hearing Aids
- 590.100 Binaural Hearing Aids
- 590.110 Speech and Language Services
- 590.120 Low Vision Aids
- 590.130 Mental Restoration Services
- 590.140 Heart Surgeries
- 590.150 Kidney Transplant and Related Services
- 590.160 Chiropractic Services
- 590.170 Prosthetic and Orthotic Device
- 590.180 Wheelchairs
- 590.190 Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section

- 590.200 Provision of Services
- 590.210 Qualification of Training Facilities/Institutions
- 590.220 Purpose and Types of Training
- 590.230 Financial Guidelines for Training Services
- 590.240 Graduate School Training
- 590.250 Choice of Training Facility/Institution
- 590.260 School
- 590.270 Grades
- 590.280 Health Status
- 590.290 On-the-Job Training

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

590.300 Default on Educational Loans

SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section

- 590.310 Provision of Services
- 590.320 Self-Employment Program
- 590.330 Services/Tools not Available
- 590.340 Bidding Requirements
- 590.350 Recovery of Tools, Equipment, Supplies and Initial Stock
- 590.360 Transfer of Title
- 590.370 Limitation of Financial Participation (Repealed)

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section

- 590.375 Provision of Services
- 590.380 Vendor Requirements
- 590.390 Bidding Requirements
- 590.400 Vehicle Adaptation
- 590.410 DHS Financial Participation in Van Adaptation
- 590.420 Environmental Modification
- 590.430 Written Agreements for Environmental Modification
- 590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section

- 590.450 Provision of Services
- 590.460 Types of Services
- 590.470 Services/Equipment
- 590.480 Qualifications for Services Provided by Individuals
- 590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section

- 590.500 Provision of Services (Repealed)
- 590.510 Purpose of Services (Repealed)
- 590.520 Purpose of Equipment Loans (Repealed)
- 590.530 Criteria for Loan of Equipment/Aids (Repealed)
- 590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)
- 590.550 Duration of Loans (Repealed)
- 590.560 Maintenance and Return of Equipment/Aids (Repealed)
- 590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)
- 590.580 Limitations on Available Equipment/Aids (Repealed)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: OTHER SERVICES

Section

- 590.590 Provision of Services
- 590.600 Transportation and Temporary Lodging
- 590.610 Other Goods and Services
- 590.620 Equipment Sets

SUBPART I: PLACEMENT

Section

- 590.630 Provision of Placement Services
- 590.640 Description of Services

SUBPART J: MAINTENANCE

Section

- 590.650 Provision of Services
- 590.660 Definitions
- 590.670 Determination of the Need for Maintenance
- 590.675 Determination of Client Financial Participation in Maintenance
- 590.680 Exceptions to Basic Needs Level

SUBPART K: POST-EMPLOYMENT SERVICES

Section

- 590.700 Provision of Services
- 590.710 Definitions
- 590.720 Scope of Services

SUBPART L: TRANSITION

Section

- 590.730 Provision of Services
- 590.740 Definitions
- 590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11912, effective July 1, 1993, amended at 18 Ill. Reg. 12046, effective July 1, 1993; adopted at 18 Ill. Reg. 12046, effective July 1, 1993; amended at 15, 1993, effective July 1, 1993; adopted at 18 Ill. Reg. 11278, effective October 10, 1994; amended at 18 Ill. Reg. 16488, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29, 1995; amended at 20 Ill. Reg. 6319, effective April 18, 1996; amended at 20 Ill. Reg. 6523, effective April 18, 1996; amended at 20 Ill. Reg. 10375.

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

effective JUL 1 9 1996.

SUBPART K: POST-EMPLOYMENT SERVICES

Section 590.720 Scope of Services

Any service which may be provided to a customer client pursuant to this Part may be provided to a customer client in post-employment services when, in the counselor's professional judgment and with the concurrence of the customer client: the customer client requires these services to maintain, regain or advance in the employment consistent with the individual's abilities, capabilities, and interests which resulted in the termination; or such services are directly related to those services provided to the customer client in their original work and amendments to the Illinois Administrative Code have been submitted to the Department of Rehabilitation Services for review. In the case of a customer client's case, the services are not expected to last for an extended period of time without an extended training period (i.e., six months or more); the customer will not require multiple services, and such services will improve the customer's client's level of independence and result in the termination of post-employment services. At any time services are expected to last in excess of 6 months, when a new case should be discussed with the customer.

(Source: Amended at 20 Ill. Reg.

effective JUL 1 9 1996 10375,

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Numbers: 117.00
Emergency Action: Amend
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Senate Bill 1260 (Public Act 89-501).
- 5) Effective Date of Amendments: July 23, 1996
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 23, 1996
- 8) Reason for Emergency: These emergency amendments are being filed pursuant to the Governor's fiscal year 1997 budget plan and the enactment of the State's budget by the Legislature. The initiative allows for an increase in the amount the Department may pay for funeral and burial expenses. Emergency rulemaking is necessary to permit the Department to provide these increases for claims filed for persons whose date of death is on or after July 1, 1996. The immediate implementation of these maximum allowable amounts is necessary to comply with the Governor's budget plan for fiscal year 1997.
- 9) Complete Description of the Subjects and Issues Involved: The Governor's budget initiative allows for an increase in the amount the Department is permitted to pay for funeral and burial expenses. Pursuant to provisions of P. A. 89-501, these proposed amendments increase the maximum allowable amounts the Department may pay for funeral and burial expenses of an eligible decedent as follows:

Funeral Expenses for an Adult or Child 5 years of age or older	\$650
Funeral Expenses for a Child between the Ages of 3 months and 5 years	\$405
Funeral Expenses for a Child Under 3 months of age or stillborn	\$325
Burial Expenses	\$325
Anatomical Gift Allowance	\$ 93

These amounts will be allowed for claims filed for persons whose date of

DEPARTMENT OF PUBLIC AID
NOTICE OF EMERGENCY AMENDMENTS

death is on or after July 1, 1996.

- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Judy Umanna
Bureau of Rules and Regulations
Department of Public Aid
1100 North Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-0081

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID
NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER vv: DISTRICT, COUNTY, TOWNSHIP AND SPECIAL ACT
MUTUAL COMPANIES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 117
RELATED PROGRAM PROVISIONS

Section	
117.1	Incorporation By Reference
117.10	Payee For Financial Assistance
117.15	Reinstatement Upon Agreement to Cooperate
117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
117.50	Funerals and Burials
117.51	Funeral Home Services
117.52	Burial Expenses
117.53	Payment to Vendor(s)
117.54	Child Support Enforcement
117.55	Submission of Claims
117.60	Substitute Parental Care/Supplemental Child Care - AFDC, AABD and GA Family Cases
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants
117.90	State Income Tax Match

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ICs 5/Arts. III, IV and VI, and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 89, effective August 3, 1979; amended at 3 Ill. Reg. 16, p. 238, effective September 1, 1979; amended at 4 Ill. Reg. 16, p. 16, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 1611, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8713, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 1533, effective August 1, 1991; amended at 16

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Ill. Reg. 16648, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2388, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 26, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective February 1, 1995; amended at 19 Ill. Reg. 15267, effective November 1, 1995; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 5706, effective July 23, 1996, for a maximum of 150 days.

Section 117.50 Funerals and Burials

EMERGENCY

- Funeral and burial services shall be provided to eligible deceased individuals in accordance with Department standards.
- The maximum allowable amount which the Department may pay for funeral expenses of an individual, based on the decedent's age, is:
 - \$850 \$639 for an adult aged 18 years of age or older
 - \$405 \$394 for a child under 18 years of age or stillborn years
 - \$325 \$315 for a child under 3 months of age or stillborn years
- The maximum allowable amount which the Department will pay for burial (including cremation) expenses of an eligible decedent is \$325 \$345.
- When there is no hospital facility for disposal of amputated limbs by cremation or if burial is desired by the recipient, an allowance of \$15 for burial of amputated limbs may be paid to a funeral director.
- An additional payment shall be made for burial of amputated limbs with the body.
- The maximum allowable amount which the Department will pay for an Anatomical Gift case is \$33 \$49 for funeral home services and \$50 for a memorial service held in the funeral home study. In an Anatomical Gift case, the body has been donated for scientific study.

(Source: Emergency amendment at 20 Ill. Reg. **10381**, effective July 23, 1996, for a maximum of 150 days)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY AMENDMENT

- Heading of the Part: Assessment for Determining Eligibility and Rehabilitation
- Code Citation: 89 Ill. Adm. Code 553
- Section Numbers: 553.130
Proposed Action: Amendments
- Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3).
- Effective Date of Amendment: July 19, 1996
- If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they expire: July 19, 1996
- Date Filed in Agency's Principal Office: July 19, 1996
- Reason for Emergency: The rule as currently written is in violation of recently adopted Federal Regulations at 34 CFR 361. These regulations prohibit a state vocational rehabilitation agency from varying from the Order of Section when providing services.
The need for the emergency rulemaking exists in that DOR's current administrative rules violate federal regulation. Such violation could jeopardize continued funding for the VR program and threaten the health and welfare of current and future customers of the program as funding would not be available to provide necessary services.
- A Complete Description of the Subjects and Issues Involved: The amendments are being made so that DOR's rules regarding Order of Selection mirror the recently adopted federal regulations at 34 CFR 361.

Amendments were necessary to eliminate the provisions allowing non-cost services to be provided to all eligible individuals and to clarify that public safety officers who are injured in the line of duty have priority to receive services within each category under the Order of selection.

- Are there any proposed amendments to this Part Pending? No
- Statement of Statewide Policy Objectives: Not applicable
- Information and questions regarding these amendments shall be directed to:

Ms. Susan Warner, Manager
Regulations and Procedure Division
Department of Rehabilitation Services
P.O. Box 1929

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY AMENDMENT

Springfield, Illinois 62794-9429
Telephone: (217) 785-9301

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER 5: VOCATIONAL REHABILITATION

PART 553

ASSESSMENT FOR DETERMINING ELIGIBILITY AND
REHABILITATION NEEDS

Section

- 553.10 General Applicability
- 553.20 Basis for the Determination of Eligibility
- 553.30 Presumption of Benefit from Vocational Rehabilitation Services
- 553.35 Services to Non-United States Citizens
- 553.40 Eligibility Determination Time Frames
- 553.45 Outcome of the Eligibility Determination
- 553.60 Determination of Eligibility Factors/Preliminary Assessment
- 553.70 Certification of Eligibility
- 553.80 Extended Evaluation
- 553.90 Outcome of Extended Evaluation
- 553.100 Comprehensive Assessment of Rehabilitation Needs
- 553.105 Assistance in Attaining Necessary Financial Support
- 553.110 Outcome of the Comprehensive Assessment of Rehabilitation Needs
- 553.120 Change in Eligibility Status
- 553.130 Order of Selection

EMERGENCY

- 553.140 Criteria for Severe Disability and Most Severe Disability
 - 553.150 Determination of Serious Limitation to Functional Capacities
- AUTHORITY: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 19 Ill. Reg. 1834, effective February 6, 1995; amended at 19 Ill. Reg. 10149, effective June 29, 1995; amended at 19 Ill. Reg. 15730, effective November 7, 1995; emergency amendment at 20 Ill. Reg. 10385, effective July 19, 1996, for a maximum of 150 days.

Section 553.130 Order of Selection

EMERGENCY

- 4) For the purposes of this Section the following terms shall have the following meanings:
- 1) Purchased Services--those--services--provided--to--eligible individuals having a direct and attributable cost to DHS--these services--are those authorized for and paid for by DHS--out-of-VR case service-funder-and
 - 2) Non-purchased-Services--those--services--provided--to--eligible

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Gang Crime Witness Protection Act

- 2) Code Citation: 20 Ill. Adm. Code 1275

- 3) Section Numbers: Emergency Action:

1275.10 New Section

1275.20 New Section

1275.30 New Section

- 4) Statutory Authority: Implementing and authorized by the Gang Crime Witness Protection Act [P.A. 89-498, effective June 27, 1996] and authorized by Section 5a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

- 5) Effective Date of Rules: July 19, 1996

- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire. Not applicable.

- 7) Date filed in Agency's Principal Office: July 19, 1996

- 8) Reason for Emergency: The Gang Crime Witness Protection Act was signed by Governor Edgar on June 27, 1996, and became effective immediately. The regular rule adoption process would delay the implementation of the Gang Crime Witness Protection Program authorized by the Act. This program is designed to protect individuals from harm and encourages cooperation with prosecutorial authorities. Delay in implementation could result in injury to cooperating witnesses and damage to pending criminal cases.

- 9) A Complete Description of the Subjects and Issues Involved: This emergency rulemaking establishes procedures for obtaining reimbursement and guidance from the Illinois State Police for protective relocation of victims and witnesses relating to gang crimes.

- 10) Are there any proposed amendments to this Part pending? No

- 11) Statement of Statewide Policy Objectives: These rules will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 12) Information and questions regarding this rule shall be directed to:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
1275 East Monroe Street, Room 102
P.O. Box 19401

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

Springfield, Illinois 62794-9461

217/782-7658

The full text of the emergency rules begins on the next page:

DEPARTMENT OF STATE POLICE
NOTICE OF EMERGENCY RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1275
GANG CRIME WITNESS PROTECTION ACT

SUBPART A: PROMULGATION

Section
1275.10 Purpose
EMERGENCY
1275.20 Definitions
EMERGENCY

SUBPART B: OPERATIONS

Section
1275.30 Procedures
EMERGENCY

AUTHORITY: Implementing and authorized by the Gang Crime Witness Protection Act [P.A. 89-498, effective June 27, 1996] and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

SOURCE: Emergency rules at 20 Ill. Reg. 10390, effective July 1, 1996, for a maximum of 150 days.

SUBPART A: PROMULGATION

Section 1275.10 Purpose
EMERGENCY

This Part delineates procedures for the implementation of the Gang Crime Witness Protection Act.

Section 1275.20 Definitions
EMERGENCY

- a) Unless specified otherwise, all terms shall have the meanings set forth in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act [740 ILCS 147/10].
- b) For purposes of these rules, the following additional definitions apply:

"Act" means the Gang Crime Witness Protection Act [P.A. 89-498, effective June 27, 1996].

DEPARTMENT OF STATE POLICE
NOTICE OF EMERGENCY RULES

"Administrator" means the Director of State Police or the Director's designee.

"Attorney General" means the Attorney General of the State of Illinois.

"Department" means the Illinois Department of State Police.

"Director" means the Director of State Police.

"Gang Crime" means the same as set forth in the Gang Crime Witness Protection Act [P.A. 89-498, effective June 27, 1996].

"Victim" means a person who has suffered direct or threatened physical harm as a result of the commission of a gang crime, and such person has obtained sworn testimony or actively aided in the prosecution of perpetrators of gang crimes.

"Victim/Witness" means a victim or a witness as defined by this Part and any relative of a victim or witness who, with respect to the related gang crime, has suffered direct or threatened physical harm or if the potential for such harm can be reasonably inferred.

"Witness" means a person who has delivered sworn testimony or actively aided in the prosecution of perpetrators of gang crimes if such person has suffered direct or threatened physical harm or if the potential for such harm can be reasonably inferred.

"Witness Protection Coordinator" means an employee of the Department of State Police who is charged with the responsibility of receiving, evaluating and processing applications for reimbursement on behalf of the Director.

SUBPART B: OPERATIONS

Section 1275.30 Procedures
EMERGENCY

a) Illinois State Police shall:

- 1) Receive, review and process requests for reimbursement of victim/witness temporary living costs, moving expenses, rent, security deposits and other appropriate expenses of relocation or transition received from State's Attorneys or the Attorney General;
- 2) Evaluate request for reimbursement for completeness and accuracy and ensure that verification is submitted for all expenditures claimed;
- 3) Arrange for the disbursement of monies from the Gang Crime

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

Witness Protection Fund as authorized by the Administrator; and

4) Receive reimbursement from the Gang Crime Witness Protection Fund for expenses related to the implementation of the Act.

b) Submission of requests for reimbursement

- 1) Only the Illinois Attorney General and the State's Attorney of any Illinois county may request reimbursement under the Act.
- 2) All requests for reimbursement must be submitted in writing to the Witness Protection Coordinator on a form provided by the Department. The form shall include information identifying the requesting authority, a description of the related gang crime, identification of the recipient of the reimbursement, justification for the need for reimbursement, and a statement of the identification of matching expenditures and certification of compliance with the Act and this Part.
- 3) Requests for reimbursement must include receipts or equivalent documentation verifying expenditures.
- 4) Requests for reimbursement must include documentation verifying expenditure of matching funds by the affected county.
- 5) Requests shall be made individually for each victim/witness. For cases involving more than one victim/witness, a separate form will be used for each.

6) Supplemental requests can be made for continuing expenses during the same State fiscal year. A new form shall be used for each supplemental request.

c) Security

- Information concerning the identity or whereabouts of a victim/witness will not be provided to the Department as part of the request process. Association of reimbursement payments to a given witness/victim will be accomplished through issuance of a unique Audit Control Number assigned by the requesting prosecutorial authority. Only one Audit Control Number will be assigned an individual, even if claims for continuing witness protection expenses are filed in subsequent fiscal years. The referenced Audit Control Number shall be composed of the following:
- 1) The last two digits of the State fiscal year in which the first request is made;
 - 2) The letters "WP";
 - 3) The National Crime Information Center (NCIC) ORF (Identification Code) of the Office of the Attorney General or to the applicable State's Attorney; and
 - 4) An ascending, sequential, 4-digit suffix, corresponding to the total number of victim/witnesses for which the entity has initiated a request for reimbursement of protection expenses in a given fiscal year (e.g. the first victim/witness would be identified with the suffix "0001", the second with "0002", etc.).

d) Matching funds

The county initiating a request must fund at least 25 percent of any expenditure for which reimbursement is requested. This matching

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

contribution may be waived by the administrator upon showing of good cause. The following factors will be considered in making this determination:

- 1) The amount of matching funds relative to the overall budget of the requesting county;
- 2) Particular administrative obstacles limiting the requestor's ability to obtain access to matching funds;
- 3) The negative consequences which could occur if the matching funds are not provided;
- 4) The severity of the related gang crime and the likelihood of harm to the victim/witness.

e) Processing of Applications for Reimbursement

- 1) Applications for reimbursement will not be approved:
 - A) If an active, enforceable felony warrant is on file for the victim/witness;
 - B) If relocation of the victim/witness will violate the provisions of the subject's probation, parole, supervision or other form of conditional release;
 - C) If the victim/witness is required to register or is registered in accordance with the provisions of the Sex Offender Registration Act;
 - D) If the most recent related gang crime took place prior to July 1, 1996;
 - E) If the victim/witness has not delivered sworn testimony at trial before a grand jury or during other official proceedings or otherwise delivered substantial assistance in furtherance of prosecution;
 - F) If a completed Department request form is not submitted in conjunction with the application;
 - G) If documentation for expenditures claimed is not appended to the application form;
 - H) If the requesting agency is unwilling to cooperate in completing auditing requirements stipulated in the Act;
 - I) If required matching funds have not been contributed by the requesting agency, unless a waiver of this provision is submitted;
 - J) If more than 50 percent of funding available in any given fiscal year has previously been obligated to the county that initiated the request; and
 - K) If the Department request form does not bear the original written signature of the requesting State's Attorney or the Attorney General and the date on which the referenced form was signed.
- 2) Incoming applications will be reviewed for completeness and for the presence of any disqualifying conditions.
 - A) Minor defects/omissions may be corrected verbally by telephone.
 - B) Applications which contain any of the disqualifying

DEPARTMENT OF STATE POLICE
NOTICE OF EMERGENCY RULES

conditions cited in Section 1275.30(g)(1) will be returned to the submitting agency with an accompanying letter of explanation.

- C) Direct applications may be re-submitted at any time.
- 3) The funds for the Department's Witness Protection Program for all applications which comply with submission requirements and upon his authorization, notification shall be provided to the requesting prosecutorial authority and a request for disbursement of funds will be initiated by the Department. Reimbursement will be awarded and estimated expenditures obligated in the order received. In the event requests exceed available funds, the Director may award reimbursement out of chronological order to address life-threatening or other extraordinary circumstances.

f) Technical Assistance

- 1) State's Attorneys and the Attorney General may request the Department to provide guidance in protecting and relocating a victim/witness.
- 2) If protection and relocation of the victim/witness would qualify for reimbursement as described in Section 1275.30 of this Part, the Department will provide guidance when requested and to the extent the Director determines Department resources are available.
- 3) Guidance may include information regarding appropriate relocation destinations, how to structure travel and moving arrangements and methods of providing personal protection for the victim/witness.
- 4) When providing guidance, the Department shall have exclusive authority to determine the manner and extent to which Department resources and personnel are utilized by the Department.
- 5) The cost of any guidance provided by the Department will be reimbursed from the Gang Crime Witness Protection Fund.
- 6) All requests for guidance shall be made to the Witness Protection Coordinator.
- 7) The Attorney General or the State's Attorney who requests guidance shall make available to the Department upon request all records relating to the victim/witness, the related gang crime and the need for protection.

ILLINOIS STUDENT ASSISTANCE COMMISSION
NOTICE OF EMERGENCY RULES

- 1) **Heading of the Part:** Illinois Incentive for Access (IIA) Program
- 2) **Code Citation:** 23 Ill. Adm. Code 2736
- 3)

Section Numbers:	Emergency Action:
2736.10	New
2736.20	New
2736.30	New
2736.40	New
2736.50	New
- 4) **Statutory Authority:** Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [10 ILCS 947/36 and 20(f)].
- 5) **Effective Date of Rules:** August 1, 1996
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire. These emergency rules will not expire before the end of the 150-day period.
- 7) **Date Filed in Agency's Principal Office:** July 12, 1996
- 8) **Reason for Emergency:** Emergency action is needed in order to permit the timely performance of activities necessary to implement this program of student financial assistance, under which initial grants will be awarded to students for the 1996-97 academic year. In order to implement this program through the regular rulemaking process in sufficient time to make this form of financial assistance available to needy and deserving Illinois residents for the 1996-97 academic year.

Public Act 89-512, which was signed by Governor Edgar on July 11, 1996, gave ISAC statutory authority to administer a program that is intended to provide access and retention for some of the State's neediest students. ISAC has been working intensively to develop necessary policies, procedures and systems to support the program so grants can be awarded to students in a timely manner. In the absence of emergency rules, ISAC will not be able to process applications or administer the program in a timely manner. This could result in the State's neediest students not receiving financial aid for the 1996-97 academic year. On the basis of the foregoing factors, ISAC finds that there is a threat to the public interest and welfare which constitutes an emergency within the meaning of Section 5-45 of the Illinois Administrative Procedure Act.
- 9) **A Complete Description of the Subjects and Issues Involved:** These emergency rules govern the administration of the new Illinois Incentive for Access (IIA) program, which supplements existing State and Federal

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

student financial assistance programs. This rulemaking sets forth the eligibility criteria for applicants, program procedures for educational institutions, as well as program procedures for ISAC. ISAC intends to adopt permanent rules through the regular rulemaking process prior to the expiration of these emergency rules.

- 10) Are there any proposed amendments to the Part pending? NO
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 905/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Information and questions regarding these emergency rules shall be directed to:
 Ms. Raquel G. Martinez
 Compliance Officer
 Illinois Student Assistance Commission
 1755 Lake Cook Road
 Deerfield, IL 60015
 (847) 948-8500

The full text of the emergency rules begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2736

ILLINOIS INCENTIVE FOR ACCESS (IIA) PROGRAM

Section	Summary and Purpose
2736.10	EMERGENCY
2736.20	Definitions
2736.30	EMERGENCY
2736.40	Applicant Eligibility
2736.50	EMERGENCY
2736.60	Program Procedures
2736.70	EMERGENCY
2736.80	Institutional Procedures
2736.90	EMERGENCY

AUTHORITY: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act (110 ILCS 947/36 and 20(f)).

SOURCE: Emergency rules adopted at 20 Ill. Reg. 10397, effective August 1, 1996, for a maximum of 150 days.

Section 2736.10 Summary and Purpose
EMERGENCY

- a) The Illinois Incentive for Access (IIA) Program provides grant assistance to freshmen who have a limited ability to pay for college. The purpose of the program is to provide access and retention for this population and, possibly, to reduce their loan debt.
- b) This part establishes Rules which govern the Illinois Incentive for Access Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

Section 2736.20 Definitions
EMERGENCY

"Expected Family Contribution" means the amount the student and the student's family are reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution is defined at Section 474 of the Higher Education Act (HEA) of 1965, as amended (20 U.S.C.A. 1087nn).

"Cost of Attendance" is defined at Section 472 of the Higher Education Act (HEA) of 1965, as amended (20 U.S.C.A. 1087mm).

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

Section 2736.30 Applicant Eligibility
EMERGENCY

- a) An Applicant applies for an IFA grant by using the form that the United States Department of Education (ED) designates as the application form for federal student financial aid. (See 20 U.S.C.A. 1070a.) This is also the application form used for the Monetary Award Program (MAP) grant. (See 23 Ill. Adm. Code 2735.30(a).)
- 1) An Applicant must authorize ED to release his/her data to ISAC.
- 2) An Applicant, spouse and Parents of the Applicant are required to submit financial information on the application regarding income, asset value and non-taxable income (e.g., Aid to Families of Dependent Children, public assistance, veterans' benefits or Social Security). This information will be confidential.
- 3) An Applicant must report to the Institution all additional Gift Assistance, such as tuition waivers and scholarships.
- 4) An Applicant must file his/her application by the deadline date established by ED.
- b) An IFA grant recipient must:
 - 1) be a Citizen or Eligible Noncitizen of the United States;
 - 2) be a Resident of Illinois;
 - 3) be an undergraduate student;
 - 4) be considered by the Institution to be a freshman;
 - 5) be enrolled in an ISAC-approved college, university or professional college participating in the Monetary Award Program (see 23 Ill. Adm. Code 2735.60);
 - 6) be Enrolled in an eligible degree or certificate program (see 23 Ill. Adm. Code 2735.20(a)(3));
 - 7) be Enrolled on at least a half-time basis by the expiration of the point in the Term when charges are fixed for the Institution;
 - 8) meet Satisfactory Academic Progress criteria as determined by the Institution;
 - 9) have no personal or family financial resources available for expenditure on educational expenses, as defined by current Institution financial aid methodology (i.e., 50 Expected Family Contribution);
 - 10) not have previously received a bachelor's degree; and
 - 11) not be incarcerated.
- c) An Applicant determined eligible will receive one non-renewable grant of up to \$500.
- d) The application must be complete at the time the grant is awarded.
- e) It is the responsibility of IFA grant Applicants to gain admission to approved Illinois Institutions. Illinois Institutions are not obligated to admit IFA Applicants.

Section 2736.40 Program Procedures
EMERGENCY

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

- a) Claims for IFA-eligible students will be submitted by the Institution of Record after the Institution of Record certifies to ISAC that the IFA grants are being paid directly to the Institution of Record in two disbursements. Claims for payments of \$250 each Term.
- c) IFA grant payment is subject to a limit of dollars appropriated to ISAC by the Illinois General Assembly. If funds are insufficient to pay all claims, grants will be awarded according to the date completed applications were received until funds have been expended.
- d) ISAC must have accurate data to properly determine a student's eligibility. If changes or corrections are necessary, after receiving corrected data ISAC shall recalculate awards for those applicants whose applications are not in agreement with their financial records.
- e) ISAC must submit a written evaluation of the Illinois Incentive for Access Program to the Governor, the General Assembly and the Board of Higher Education on or before October 1, 1999, including a report of the progress made toward the goal of increasing the access and retention rates for IFA grant recipients.
- f) Data from Institutions to comply with this requirement. Therefore, ISAC may collect IFA grants are applicable to any expense that is used to calculate the Applicant's Cost of Attendance.
- g) The IFA grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) Test or for a high school diploma. (See e.g., 23 Ill. Adm. Code 215.)
- h) The IFA grant shall not pay for audit courses, credit-by-examination and/or life science, non-credit course offerings (except qualifying remedial courses) and correspondence courses. Such course work cannot be used to meet the half-time requirement. Remedial courses shall be eligible for IFA payment provided that the student has been accepted into an eligible degree/certificate program and the IFA grant is used for more courses as a part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours).

Section 2736.50 Institutional Procedures
EMERGENCY

- a) An Institution is obligated to provide IFA recipients the same facilities and instruction, on the same terms, as those provided to other students.
- b) Benefits derived from the Backlabeled Savings Act [110 ILCS 920] and the Bonus Incentive Grant (23 Ill. Adm. Code 2731) shall not be included in the calculation of a student's financial need.
- c) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's Gift Assistance may not exceed the Institution's Cost of Attendance used to calculate Title IV aid for that student. If a student is receiving both MAP and IFA and the Gift Assistance exceeds the Cost of Attendance, IFA should be used first

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

- and MAP should be reduced to prevent an overaward.
- d) For Institutions with Concurrent Registration opportunities:
- The Applicant must indicate his/her Institution of Record on the financial aid application.
 - The Institution of Record shall distribute the appropriate share of the award to the other Institution(s). Payment by ISAC will not be made to more than one Institution.
 - Concurrent Registration is limited to MAP-approved Institutions.
 - The recipient's academic record(s) at the Institution of Record must document the total number of credit hours for which the student is enrolled.
- e) If an Applicant withdraws after his eligibility criteria, withdraws from enrollment, or after the expiration of the tuition refund/withdrawal adjustment period, the Applicant shall receive the IIA grant payment for the Term.
- f) Institutional Processing of Payments:
- To provide sufficient time for processing and vouchering through the State Comptroller's Office, all payment requests must be received by ISAC no later than September 1 following the Academic Year due to the State's fiscal year lapse period ending on September 30.
 - Payment requests received after September 1 for the prior Academic Year will be processed as time and available funds permit. However, final action may require Institution to pay the award to the State Comptroller's Office, Illinois Court of Claims. (See The Court of Claims Act (705 ILCS 50/1.))
 - Within 30 days of receiving payment of any IIA funds, the Institution shall credit the recipient's account for appropriate Term.
 - IIA award payments in the name of one recipient cannot be applied to another recipient at the same Institution.
 - Following receipt of IIA payments from ISAC for the Term, an Institution is required to reconcile its records. If the Institution determines that refunds are due, they are to be processed and returned to ISAC no later than 60 days following the end of the academic Term. Should the payment arrive after the end of the Term, the Institution will have 60 days following the receipt of the payment to complete the reconciliation process and return any funds due.
 - If the Institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional payments.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- Heading of Part: Meat and Poultry Inspection Act
- Code Citation: 8 Ill. Adm. Code 125
- | | |
|-------------------------|---------------------------|
| <u>Section Numbers:</u> | <u>Peremptory Action:</u> |
| 125.100 | Amended |
| 125.260 | Amended |
| 125.360 | Amended |
| 125.380 | Amended |
| 125.390 | Amended |
- Reference to the Specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act (225 ILCS 650/161); the Federal Meat Inspection Act (21 U.S.C.A. 661); the Federal Poultry Products Inspection Act (21 U.S.C.A. 454); 60 FR 67444 (1995); and 61 FR 18047 (1996).
- Statutory Authority: The Meat and Poultry Inspection Act (225 ILCS 650/161).
- Effective Date: July 17, 1996
- A Complete Description of the Subjects and Issues Involved:

In order to maintain an "equal to" status with the Federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act and in compliance with Section 16 of the Meat and Poultry Inspection Act, changes in the Federal rules relative to meat and poultry products inspection are hereby adopted.

The Food Safety and Inspection Service (FSIS) of the United States Department of Agriculture is amending the Federal meat and poultry products regulations to "permit the use of a solution of sodium products buffered with citric acid in cured and uncured processed whole-muscle meat and poultry products" (Federal Register, page 18047, April 24, 1996 issue). These Federal amendments became effective June 24, 1996 and are hereby incorporated into Illinois' meat and poultry inspection regulations at Sections 125.270 and 125.390.

FSIS is also amending the Federal meat and poultry products inspection regulations by expanding the types of labeling authorized for use on meat and poultry products by official establishments in the United States which would not require submission to FSIS for approval of ground poultry. In addition, FSIS is amending the Federal meat and poultry products inspection regulations by requiring the submission of only sketch labeling requests for temporary approvals, in those instances where labeling is required to be submitted for approval and to require retention of certain

DEPARTMENT OF AGRICULTURE

NOTICE OF PREEMPTORY AMENDMENTS

labeling records". (Federal Register, page 67444, December 29, 1995 issue). These Federal amendments became effective July 1, 1996 and are hereby incorporated into Illinois' meat and poultry inspection regulations at Sections 125.100, 125.260, and 125.380.

8) Does this rulemaking contain an automatic repeal date? No

9) Date Filed in Agency's Principal Office: July 15, 1996

10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.

11) Are there any proposed amendments pending to this Part? Yes, Sections 125.80 and 125.300 published at 20 Ill. Reg. 6626, May 17, 1996.

12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.

13) Information and questions regarding this adopted amendment shall be directed to:

Debbie Wakefield
Illinois Department of Agriculture
State Fairgrounds
P.O. Box 19281
Springfield, IL 62794-9281
(217) 785-5713; Facsimile: (217) 785-4505

The full text of the Preemptory Amendments begins on the next page.

DEPARTMENT OF AGRICULTURE

NOTICE OF PREEMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section	Definitions
125.10	Incorporation by Reference of Federal Rules
125.20	Official Notice
125.30	Official Number
125.40	Inspection; Suspension or Revocation of License
125.50	Administrative Hearings; Appeals
125.60	Assignment and Authority of Program Employees
125.70	Schedule of Operations; Overtime
125.80	Official Marks of Inspection, Devices and Certificates
125.90	Records and Reports
125.100	Exemptions
125.110	Disposal of Dead Animals and Poultry
125.120	Reportable Animal and Poultry Diseases
125.130	Detention; Seizure; Condemnation
125.140	

SUBPART B: MEAT INSPECTION

Section	Livestock and Meat Products Entering Official Establishments
125.150	Equine and Equine Products
125.160	Facilities for Inspection
125.170	Sanitation
125.180	Ante-Mortem Inspection
125.190	Post-Mortem Inspection
125.200	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.210	Humane Slaughter of Animals
125.220	Handling and Disposal of Condemned or Other Inedible Products at Rendering Establishments
125.230	Removal and Disposal of Carcasses and Parts Passed for Cooking
125.240	Marking Products and Their Containers
125.250	Labeling, Marking and Containers
125.260	Entry into Official Establishment; Reinspection and Preparation of Product
125.270	Meat Definitions and Standards of Identity or Composition
125.280	Transportation
125.290	Imported Products
125.295	Special Services Relating to Meat and Other Products
125.300	

DEPARTMENT OF AGRICULTURE

NOTICE OF PERMPTORY AMENDMENTS

125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section

125.310 Application of Inspection

125.320 Permitted for Inspection

125.330 Sanitation

125.340 Operating Procedures

125.350 Ante-Mortem Inspection

125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts

125.370 Handling and Disposal of Condensed or Inedible Products at Official

125.380 Establishments

125.390 Labeling and Containers

125.400 Entry of Articles Into Official Establishments; Processing Inspection

125.410 Definitions and Requirements

125.420 Definitions and Standards of Identity or Composition

125.430 Transportation; Sale of Poultry or Poultry Products

125.440

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act

(21 USC 450) and Section 16 of the Civil Administrative Code of Illinois (20

ILCS 5/40).

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory

amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment

at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg.

11. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 10102,

9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective

effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23,

July 17, 1985; peremptory amendment at 9 Ill. Reg. 13575, effective October 2, 1985;

1985; peremptory amendment at 9 Ill. Reg. 13759, effective December 3, 1985;

peremptory amendment at 10 Ill. Reg. 447, effective December 3, 1986;

peremptory amendment at 10 Ill. Reg. 3307, effective January 23, 1986;

peremptory amendment at 10 Ill. Reg. 3805, effective February 7, 1986;

peremptory amendment at 10 Ill. Reg. 3806, effective February 7, 1986;

peremptory amendment at 10 Ill. Reg. 1478, effective June 25, 1986; peremptory

amendment at 10 Ill. Reg. 1478, effective August 25, 1986; peremptory

amendment at 10 Ill. Reg. 1478, effective September 10, 1986; peremptory

amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory

amendment at 10 Ill. Reg. 19203, effective October 15, 1986; peremptory

amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory

amendment at 10 Ill. Reg. 1636, effective January 5, 1987; peremptory amendment

at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11

Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg.

10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184,

effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14930, effective

August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November

1987; peremptory amendment at 11 Ill. Reg. 18799, effective November

1987; peremptory amendment at 11 Ill. Reg. 18799, effective November

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1987; peremptory amendment at 11 Ill. Reg. 18799, effective November

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ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF PERMPTORY AMENDMENTS

3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19,

1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988;

amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment

at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12

Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg.

6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621,

effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective

November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective

December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January

13, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13,

1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory

amendment at 13 Ill. Reg. 1983, effective October 3, 1989; peremptory

amendment at 13 Ill. Reg. 1983, effective October 3, 1989; peremptory

amendment at 13 Ill. Reg. 1983, effective October 3, 1989; peremptory

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amendment at 13 Ill. Reg. 1983, effective October 3, 1989; peremptory

amendment at 13 Ill. Reg. 1983, effective October 3, 1989; peremptory

DEPARTMENT OF AGRICULTURE

NOTICE OF SUPPLEMENTARY AMENDMENTS

- o) The standards and procedures for determining when ingredients of feedstuffs are adulterated shall be in compliance with this Section and shall be forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 20 Ill. Reg. **10403**, effective **JUL 17 1986**.)

SUBPART C: POULTRY INSPECTION

Section 125.380 Labeling and Containers

- a) The Department incorporates by reference 381.113 through 381.127, 381.129 through 381.132(f), 381.133 through 381.134, 381.140, 381.141(d) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443, 381.444, 381.445, 381.454, 381.456, 381.460, 381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (1990), 55 FR 5976, effective March 23, 1990; 55 FR 7289, effective August 28, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 7638, effective January 2, 1992; 56 FR 6748, effective March 2, 1992; 57 FR 4354, effective April 1, 1992; 57 FR 4355, effective April 2, 1992; 57 FR 4356, effective August 16, 1992; 59 FR 46528, effective May 27, 1994; 58 FR 632, 58 FR 43787, 58 FR 47634, and 59 FR 12157, effective July 6, 1994; 59 FR 40309, effective August 8, 1994; 59 FR 45189, effective September 1, 1994; 60 FR 174 and correction printed at 60 FR 5762, effective January 3, 1995; 60 FR 10304, effective February 24, 1995; 60 FR 12883, effective May 8, 1995; 59 FR 24220 and 60 FR 174, effective November 10, 1995; 60 FR 6744, effective July 1, 1996).
- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.
- c) Inspected and passed poultry and/or poultry products shall be packaged containing any chemical additive shall bear a label naming the additive and the purpose of its use.
- d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.
- e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.
- f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (16 CFR 127.10).
- g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act and Section 125.60.
- h) The Department shall approve the manufacture of a device or label

DEPARTMENT OF AGRICULTURE

NOTICE OF SUPPLEMENTARY AMENDMENTS

- containing an official mark of inspection provided the device or label is in compliance with Section 125.90.
- i) The labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not in compliance with the provisions of Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(f), 381.133 through 381.134, 381.140, 381.141(d) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443, 381.444, 381.445, 381.454, 381.456, 381.460, 381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (1990), 55 FR 5976, effective March 23, 1990; 55 FR 7289, effective August 28, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 7638, effective January 2, 1992; 56 FR 6748, effective March 2, 1992; 57 FR 4354, effective April 1, 1992; 57 FR 4355, effective April 2, 1992; 57 FR 4356, effective August 16, 1992; 59 FR 46528, effective May 27, 1994; 58 FR 632, 58 FR 43787, 58 FR 47634, and 59 FR 12157, effective July 6, 1994; 59 FR 40309, effective August 8, 1994; 59 FR 45189, effective September 1, 1994; 60 FR 174 and correction printed at 60 FR 5762, effective January 3, 1995; 60 FR 10304, effective February 24, 1995; 60 FR 12883, effective May 8, 1995; 59 FR 24220 and 60 FR 174, effective November 10, 1995; 60 FR 6744, effective July 1, 1996).
- k) A label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratory used for chemical analysis shall be an approved laboratory as defined in Ill. Admin. Code 70.1.
- l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the Federal government.
- m) The Department does not issue a list of approved packaging materials and will not use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).
- n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.
- o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can verify the information at the destination point.
- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment if the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- q) Poultry and/or poultry products shall be inspected and passed poultry and/or custom slaughtered and/or custom processed poultry and/or containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.

DEPARTMENT OF AGRICULTURE

NOTICE OF PERMISSORY AMENDMENTS

- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Permissory amendment at 20 Ill. Reg. 10403, effective July 17, 1996)

Section 125.330 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

- a) The Department incorporates by reference 9 CFR 381.145(b) through 381.148, 381.149, 381.150 through 381.151, 381.200, 381.300 through 381.311 (1990); 95 FR 5976, effective March 23, 1990; 55 FR 23070, effective July 6, 1990; 56 FR 65179, effective January 15, 1992; 57 FR 28083, effective July 24, 1992; 57 FR 43588, effective October 21, 1992; 58 FR 4067, effective February 12, 1993; 58 FR 42188, effective September 8, 1993; 58 FR 63033, effective December 30, 1993; 61 FR 1000, effective January 11, 1996.
- b) No poultry or poultry product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, the federal inspection legend, or is exempt from inspection as stated in Section 125.110. However, poultry or poultry products imported into the United States may be transported to an inspection site in accordance with the provisions of 9 CFR 381.200 for reinspection.
- c) Poultry and poultry products received in an official establishment during the absence of the inspector shall be identified as "set forth in Section 125.90, the federal inspection legend" and may be transported, used or prepared until they have been inspected. Any poultry and/or poultry product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected and passed by the inspector.
- d) The official establishment shall maintain an inventory of non-poultry items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this section shall be removed immediately from such establishment by the operator of the establishment.
- e) The inspection of poultry and/or poultry products within the official establishment shall be performed through the use of a random digit table.
- f) Poultry feet shall be approved for processing for human food in accordance with the procedures set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- g) The Department does not approve new substances to be used on poultry

DEPARTMENT OF AGRICULTURE

NOTICE OF PERMISSORY AMENDMENTS

- or in poultry products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used if they will not adulterate the poultry and/or poultry product in accordance with Section 2.11 of the Act and are in compliance with the provisions of the Act.
- b) Ready-to-heat-and-eat poultry or stuffed ready-to-coast poultry may be moved from an official establishment prior to freezing in accordance with the provisions of Section 125.330 (specifically the incorporated language in 9 CFR 381.66(f)(3)).
- i) Any method of cleaning immediate containers used for the holding of poultry and poultry products shall be approved if such method is in compliance with the sanitation requirements (see Section 125.330).
- j) Canned poultry products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- k) The inspector shall permit lots of canned poultry products to be shipped from the establishment prior to the completion of the incubation period in 9 CFR 381.309.
- l) Specific provisions in 9 CFR 381.309, those products on the "List of Proprietary Substances and Nonfood Compounds" as adopted by the Department in Section 125.20.

(Source: Permissory amendment at 20 Ill. Reg. 10403, effective July 17, 1996)

ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF PUBLIC INFORMATION

NOTICE OF PROPOSED SETTLEMENT
PEOPLE v. A.B. DICK CO., et. al.

You are hereby notified that the Illinois Attorney General, James G. Ryan, on behalf of the Illinois Environmental Protection Agency ("Illinois EPA"), has reached a proposed settlement agreement with two hundred and sixty-nine entities regarding the former Wastex Research, Inc. facility located at 2000 Broadway, East St. Louis, Illinois. The proposed order reflects the completion at the site of remedial activities selected by the Illinois EPA and directs the entities to reimburse some of the costs incurred for response, remedial, and investigative activities undertaken by the State of Illinois as a result of the release or threatened release of hazardous substances at the site.

PUBLIC COMMENT

Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. Section 9601, et seq., you have thirty (30) days from the date of this Notice to file written comments relating to the proposed settlement. If such comments disclose facts or considerations which the settlement does not adequately address, appropriate, or inadequate, consent to the proposed settlement may be withdrawn or withheld.

You may obtain a copy of the proposed settlement for review (at no charge) by calling or writing to James L. Morgan, Assistant Attorney General, Environmental Bureau, Illinois Attorney General, 500 S. Second Street, Springfield, Illinois 62706, phone 217/782-9031. You may file written comments relating to the proposed settlement by sending them to:

Bruce Carlson
Deputy Counsel
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62794-9276
(217) 782-5444

Comments received or postmarked within thirty (30) days from the date of this notice shall be considered.

Mary Gade, Director
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62794-9276
(217) 782-3397

OFFICE OF BANKS AND REAL ESTATE
JULY 1996 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Real Estate Appraiser Certification, 68 Ill. Adm. Code 1455

1) Rulemaking:

A) Description: This Part will be amended to provide that licensed or certified appraisers may hold no more than one type of appraiser license or certification at once. When an existing license or certification is upgraded or downgraded, records and proceedings relating to the existing license or certificate will be transferred to the new license or certificate. The expiration date for the approval of real estate appraiser continuing education courses/providers will be changed so that the renewal dates for continuing education courses will coincide with the renewal dates for appraiser licenses/certificates.

B) Statutory Authority: Implementing and authorized by Article 2 of the Real Estate License Act of 1983 (225 ILCS 455/Art. 2).

C) Scheduled meeting/hearing date: None scheduled.

D) Date agency anticipates First Notice: Second half of 1996.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: John Arthur, Legislative Liaison
Address: Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701-1532
Telephone: (217) 782-3000

G) Related rulemaking and other pertinent information: None

b) Part(s) (Heading and Code Citation): Real Estate License Act of 1983, 68 Ill. Adm. Code 1450

1) Rulemaking:

A) Description: This Part will be amended to provide for the licensing of real estate leasing agents pursuant to the Real Estate License Act of 1983 and the Real Estate Public Act 89-340. The Part will also be amended relating to payments under the Act made to the Office of Bank and

OFFICE OF BANKS AND REAL ESTATE

JULY 1996 REGULATORY AGENDA

Real Estate by checks which are returned for insufficient funds.

- B) Statutory Authority: Implementing and authorized by the Real Estate License Act of 1983 [225 ILCS 455/1].

- C) Scheduled meeting/hearing date: None scheduled.

- D) Date agency anticipates First Notice: Second half of 1996.

- E) Effect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: John Arthur, Legislative Liaison
Office of Banks and Real Estate
Address: 500 East Monroe, Suite 900
Springfield, Illinois 62701-1532
Telephone: (217) 782-3000

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Branch Banks, 38 Ill. Adm. Code 305

1) Rulemaking:

- A) Description: This Part will be amended to set forth provisions relating to the naming and advertising of bank branches so that the public is not deceived or misled to believe that the branch is a separately chartered and capitalized bank with separate FDIC deposit insurance.

- B) Statutory Authority: Implementing Section 5(15) and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/5(15) and 5/4(6)].

- C) Scheduled meeting/hearing date: None scheduled.

- D) Date agency anticipates First Notice: Second half of 1996.

- E) Effect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: John Arthur, Legislative Liaison

OFFICE OF BANKS AND REAL ESTATE

JULY 1996 REGULATORY AGENDA

Office of Banks and Real Estate

Address: 500 East Monroe, Suite 900
Springfield, Illinois 62701-1532

Telephone: (217) 782-3000

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Posting Notice of a Proposed Acquisition, 38 Ill. Adm. Code 370

1) Rulemaking:

- A) Description: This Part will be repealed because it implemented Section 3.071(d) of the Illinois Bank Holding Company Act of 1957 and Section 3.071(d) has been deleted by Public Act 49-208.

- B) Statutory Authority: Authorized by Section 3.074 of the Illinois Bank Holding Company Act of 1957 [205 ILCS 10/3.074].

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: Second half of 1996.

- E) Effect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: John Arthur, Legislative Liaison
Office of Banks and Real Estate
Address: 500 East Monroe, Suite 900
Springfield, Illinois 62701-1532
Telephone: (217) 782-3000

- G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Eligible State Bank, 38 Ill. Adm. Code 380

1) Rulemaking:

- A) Description: This Part will be amended to change the definition of "eligible state bank" (for participating in the alternating examination program) to exclude those banks which Federal bank regulators examine every year, not in alternating years.

OFFICE OF BANKS AND REAL ESTATE

JULY 1996 REGULATORY AGENDA

B) Statutory Authority: Implementing and authorized by Section 48 of the Illinois Banking Act (205 ILCS 5/48).

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates first notice: Second half of 1996.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: John Arthur, Legislative Liaison
Address: Office of Banks and Real Estate
 500 East Monroe, Suite 900
 Springfield, Illinois 62701-1532
Telephone: (217) 782-3000

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

a) Part(s) [Heading and Code Citation]: Appeals and Hearings, 89 Ill. Adm. Code 510

1) Rulemaking:

A) Description: Revision to existing parts clarify inclusion of school appeals.

B) Statutory Authority: The Disabled Persons Rehabilitation Act (20 ILCS 2405).

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act (5 ILCS 100) as amended by P.A. 88-667.

D) Date agency anticipates first notice: December 1996

E) Effect on small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Warner, Manager
 Division of Regulations and Procedures
 Department of Rehabilitation Services
 623 East Adams, P.O. Box 1942
 Springfield, Illinois 62794-9429

G) Related rulemakings and other pertinent information: No other information regarding this rulemaking is determined to be necessary at this time.

b) Part(s) [Heading and Code Citation]: Collection of Misspent Funds, 89 Ill. Adm. Code 527

1) Rulemaking:

A) Description: It is anticipated that amendments will be filed which clarify how DORS will go about collecting funds incorrectly paid to Personal Assistants (PAs) through the Home Services Program. The rules will also specify what amounts may be collected from PAs as such amounts as FICA withholdings are reimbursed to DORS from other sources and are not the responsibility of PAs.

B) Statutory Authority: The Disabled Persons Rehabilitation Act

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

(20 ILCS 2405).

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the first Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act (5 ILCS 100) as amended by P.A. 88-667.

D) Date agency anticipates first notice: December 1996

E) Effect on small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams P.O. Box 19429
Springfield, Illinois 62794-9429

G) Related rulemakings and other pertinent information: No other information regarding this rulemaking is determined to be necessary at this time.

c) Part(s) (Heading and Code Citation): Criteria For the Evaluation of Programs of Services in Rehabilitation Facilities, 89 Ill. Adm. Code 530

1) Rulemaking:

A) Description: Adding information regarding an additional accreditation council and accreditation standards.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the first Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act (5 ILCS 100) as amended by P.A. 88-667.

D) Date agency anticipates submitting first notice: November 1996

E) Effect on small business, small municipalities or not for profit corporations? None

F) Agency contact person for this information:

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams P.O. Box 19429
Springfield, Illinois 62794-9429

- G) Related rulemakings and other pertinent information: No other information regarding this rulemaking is determined to be necessary at this time.

d) Part(s) (Heading and Code Citation): Eligibility, 89 Ill. Adm. Code 553

1) Rulemaking:

A) A description of the rule(s): Amendments are anticipated which will reorganize DORS' eligibility determination process for individuals seeking admission through the Vocational Rehabilitation Program so that DORS may adequately report required data to the Rehabilitation Services Administration.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the first Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act (5 ILCS 100) as amended by P.A. 88-667.

D) Date agency anticipates submitting first notice: July 1996

E) Effect on small business, small municipalities or not for profit corporations? None

F) Agency contact person for this information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams P.O. Box 19429
Springfield, Illinois 62794-9429

- G) Related rulemakings and other pertinent information: No other information regarding this rulemaking is determined to be necessary at this time.

e) Part(s) (Heading and Code Citation): Customer Financial Analysis, 89 Ill. Adm. Code 562

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

1) Rulemaking:

A) Descriptions: It is anticipated that the Part will be totally revised. The revisions are to restructure the analysis of the ability of the customer and the customer's family to participate in the cost of services and to ensure all appropriate customer financial participation is obtained in order for DORS to maximize its financial resources.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates submitting first notice: August 1996

E) Effect on small business, small municipalities or not for profit corporations? None

F) Agency contact person for this information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429

G) Related rulemakings and other pertinent information: No other information regarding this rulemaking is determined to be necessary at this time.

f) Part(s) (Heading and Code Citation): Services, 89 Ill. Adm. Code 590

1) Rulemaking:

A) A description of the rule(s) Amendments are anticipated which will revise DORS' rules on providing post-secondary training to customers of the Vocational Rehabilitation Program. The amendments are expected to address the issues of required grade point averages and full-time student status.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates submitting first notice: September 1996

E) Effect on small business, small municipalities or not for profit corporations? None

F) Agency contact person for this information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429

G) Related rulemakings and other pertinent information: No other information regarding this rulemaking is determined to be necessary at this time.

g) Part(s) (Heading and Code Citation): Services, 89 Ill. Adm. Code 590

1) Rulemaking:

A) Descriptions: Amendments are anticipated that will clarify services that DORS may not provide.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates submitting first notice: July 1996

E) Effect on small business, small municipalities or not for profit corporations? None

F) Agency contact person for this information:

Susan Warner, Manager
Division of Regulations and Procedures

DEPARTMENT OF REHABILITATION SERVICES
REGULATORY AGENCY

Blind, 89 Ill. Adm. Code 650

1) Rulemaking

- A) Description: Revision to existing parts to clarify meaning.
- B) Statutory Authority: The Randolph-Sheppard Vending Stand Act [20 U.S.C. 107].
- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the first Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates submitting first notice: December 1996
- E) Effect on small business, small municipalities or not for profit corporations? None

F) Agency contact person for this information:

Susan Warner, Manager
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Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429

- G) Related rulemakings and other pertinent information: No other information regarding this rulemaking is determined to be necessary at this time.

J) Part(s) (Heading and Code Citation): Program Description, 89 Ill. Adm. Code 676

1) Rulemaking

- A) A description of the rule(s): Amendments are anticipated which will revise the Administrative Rules governing services provided under the AIDS Waiver to reflect changes submitted to, and approved by, the Healthcare Financing Administration (HCFA).
- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the first Notice Period. Hearings, etc. will be held if necessary as required by the Illinois

DEPARTMENT OF REHABILITATION SERVICES
REGULATORY AGENCY

Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429

- G) Related rulemakings and other pertinent information: No other information regarding this rulemaking is determined to be necessary at this time.

h) Part(s) (Heading and Code Citation): Services, 89 Ill. Adm. Code 590, Subpart F, Personal Support Services and Auxiliary Aids

1) Rulemaking:

- A) A description of the rule(s): Amendments to this Subpart are anticipated which clarifies that DORS retains title to all equipment purchased for customer use and the conditions that must be met by the customer to retain the equipment, during and after the period covered by the customer's individualized Written Rehabilitation Program (89 Ill. Adm. Code 572).

- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the first Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates submitting first notice: December 1996

- E) Effect on small business, small municipalities or not for profit corporations? None

F) Agency contact person for this information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429

- G) Related rulemakings and other pertinent information: No other information regarding this rulemaking is determined to be necessary at this time.

I) Part(s) (Heading and Code Citation): Vending Facility Program for the

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates submitting first notice: October 1996
- E) Effect on small business, small municipalities or not for profit corporations? None

F) Agency contact person for this information:

Susan Warner, Manager

Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429

- G) Related rulemakings and other pertinent information: No other information regarding this rulemaking is determined to be necessary at this time.

- K) Part(s) (Heading and Code Citation): Program Description, 89 Ill. Adm. Code 676

Rulemaking:

- A) Description: Amendments are anticipated to reflect the proposed changes to the interagency agreement between DORS and DoA regarding transfer of customers who reach the age of 60 while still receiving active services through the Home Services Program.

- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates submitting first notice: October 1996

- E) Effect on small business, small municipalities or not for profit corporations? None

F) Agency contact person for this information:

Susan Warner, Manager

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429

- G) Related rulemakings and other pertinent information: No other information regarding this rulemaking is determined to be necessary at this time.

- 1) Part(s) (Heading and Code Citation): Eligibility, 89 Ill. Adm. Code 682

1) Rulemaking:

- A) Description: Amendments are anticipated to revise the time period for asset transfer from one to two years to mirror standards set by the Department of Public Aid for Medicaid services.

- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

- M) Part(s) (Heading and Code Citation): Admission, Suspension, Expulsion and Discharge Procedures, 89 Ill. Adm. Code 755

1) Rulemaking:

- A) Description: Revision to existing rule to allow for direct admission to ISVI. This revision is being done as a result of legislative action passed at the recent session. Also, revisions to 755.30 and 755.40 to reflect the ages of students served by ISD and ISVI respectively.

- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates submitting first notice: December 1996

- E) Effect on small business, small municipalities or not for profit corporations? None

F) Agency contact person for this information:

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
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Springfield, Illinois 62794-9429

- C) Related rulemakings and other pertinent information: No other information regarding this rulemaking is determined to be necessary at this time.

n) Part(s) (Heading and Code Citation): Impartial Due Process Hearings, 89 Ill. Adm. Code 800

1) Rulemaking:

- A) Description: Revisions to existing parts to clarify the students appeals process at the DORS schools.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates submitting first notice: December 1996

- E) Effect on small business, small municipalities or not for profit corporations? None

F) Agency contact person for this information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429

- G) Related rulemakings and other pertinent information: No other information regarding this rulemaking is determined to be necessary at this time.

o) Part(s) (Heading and Code Citation): Special Education Personnel, 89 Ill. Adm. Code 810

1) Rulemaking:

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

- A) Description of the rule(s): Creation of a new part regulating the staff supervision of students at DORS schools.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates submitting first notice: December 1996

- E) Effect on small business, small municipalities or not for profit corporations? None

F) Agency contact person for this information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429

- G) Related rulemakings and other pertinent information: No other information regarding this rulemaking is determined to be necessary at this time.

p) Part(s) (Heading and Code Citation): Rules of Conduct, 89 Ill. Adm. Code 827

1) Rulemaking:

- A) Description: Revision and/or repeal of existing parts to clarify the students appeals process at DORS schools.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates submitting first notice: December 1996

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

E) Effect on small business, small municipalities or not for profit corporations? None

F) Agency contact person for this information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429

G) Related rulemakings and other pertinent information: No other information regarding this rulemaking is determined to be necessary at this time.

H) Article(s), heading and code citation(s): Non-Academic Programs and Policies, 89 Ill. Adm. Code 830

1) Rulemaking:

A) A description of the rule(s): Revision to existing parts dealing with the health services provided to the students at DORS schools and the payment for those services.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act (5 ILCS 100) as amended by P.A. 88-667.

D) Date agency anticipates submitting first notice: December 1996

E) Effect on small business, small municipalities or not for profit corporations? None

F) Agency contact person for this information:

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Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429

G) Related rulemakings and other pertinent information: No other information regarding this rulemaking is determined to be

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

necessary at this time.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 16, 1995 through July 22, 1996 and have been scheduled for review by the Committee at its August 20, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start Date	30-day Notice Expires	30-day Meeting
8/29/96	Department of Natural Resources, Muskkrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)	4/26/96	20 Ill. Reg 7502	8/20/96
8/31/96	Department of Natural Resources, Youth Hunting Season for White-Tailed Deer (17 Ill. Adm. Code 685)	5/31/96	20 Ill. Reg 7502	8/20/96
8/31/96	Department of Natural Resources, Cock pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill. Adm. Code 530)	5/31/96	20 Ill. Reg 7483	8/20/96
9/4/96	Department of Revenue, Property Tax Code (86 Ill. Adm. Code 110)	5/31/96	20 Ill. Reg 7509	8/20/96
9/4/96	Department of Revenue, Property Tax Code (86 Ill. Adm. Code 110)	5/21/96	20 Ill. Reg 7303	8/20/96

PROCLAMATIONS

96-346

DISASTER AREAS - 13 NORTHERN ILLINOIS COUNTIES

A system of severe thunderstorms accompanied by high winds and torrential rains began on July 17, 1996 and is continuing today. Since yesterday, these storms have delivered from six to fourteen inches of rain, which have resulted in flash flooding and flooding and the impoundment of water in northern Illinois counties. This torrential rain has caused a disruption of public services and damage to local roads, homes, businesses and other properties. This flooding, along with high winds, has caused significant damage throughout northern Illinois and the Chicago area.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Boone, Cook, DeKalb, DuPage, Kane, Kendall, Lake, Madison, McHenry, Menard, Peoria, St. Clair, Winnebago counties as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other State agencies, disaster relief organizations and community volunteer resources in any part of the State. This declaration will also provide for the assessment of damages and the determination if supplemental Federal assistance is needed by any unit of local government.

Issued by the Governor July 18, 1996.

Filed by the Secretary of State July 18, 1996.

96-347

DISASTER AREAS - GRUNDY AND LASALLE COUNTIES

A system of severe thunderstorms accompanied by high winds and torrential rains began on July 17, 1996 and is continuing today. Since yesterday, these storms have delivered from six to fourteen inches of rain, which have resulted in flash flooding and flooding and the impoundment of water in northern Illinois counties. This torrential rain has caused a disruption of public services and damage to local roads, homes, businesses and other properties. This flooding, along with high winds has caused significant damage throughout northern Illinois and the Chicago area.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Grundy and LaSalle Counties as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other State agencies, disaster relief organizations and community volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination if supplemental Federal assistance is needed by any unit of local government.

Issued by the Governor July 19, 1996.

Filed by the Secretary of State July 19, 1996.

96-348

INNER-CITY GAMES DAY

Whereas, the Inner-City Games brings Chicago an "Olympic-size" event that focused on the accomplishments of the city; and

Whereas, the Inner-City Games will honor the memory of Chicago children that have been killed because of violence; and

Whereas, titled Day of Champions, victory for the Children, the event will feature sports and entertainment celebrities, athletics, and creative writing programs;

Whereas, this event will provide more than 25,000 youths with an alternative to crime, gangs, and violence; and

Whereas, the Inner-City Games Awards Ceremony will honor award winners in sports, creative writing, and music;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 22, 1996, as INNER-CITY GAMES DAY in Illinois and urge all citizens to join this effort in giving the youths of our state an alternative to crime and violence.

Issued by the Governor July 19, 1996.

Filed by the Secretary of State July 19, 1996.

96-349

PAUL C. BLUME SR. COMMEMORATED

Whereas, Paul C. Blume Sr. is a graduate of Loyola University's Business and Law Schools; and

Whereas, he is currently "Of Counsel" with the law firm of Lord, Bissell, and Brook in Chicago, Illinois; and

Whereas, he was formerly Vice President and General Counsel of the National Association of Independent Insurers; and

Whereas, he is a member of the American, Illinois and Chicago Bar Associations, the International Association of Insurance Counsel, the Federation of Insurance Counsel and Illinois Defense Counsel; and

Whereas, he was Vice President and General Counsel of the National Association of Independent Insurers for 10 years; and

Whereas, he is President of Insurance Briefs, Inc., a legislative service, which he founded in 1981; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend PAUL C. BLUME SR. for his tremendous contributions to his community and to the insurance industry.

Issued by the Governor July 12, 1996.

Filed by the Secretary of State July 19, 1996.

96-350

POM PON APPRECIATION DAY

Whereas, Allstate Insurance Company is again sponsoring the "Allstate Open Pom Competition;" and

Whereas, more than 1,000 young women from 50 mid-western high school pom squads will be demonstrating their hard work and talents to the thousands

of people in the audience; and

Whereas, pom pon squads promote responsibility, excellence, and dedication; and

Whereas, it also increases the awareness and importance of women's athletics and instills coordination and agility and emphasizes good health; and

Whereas, activities such as pom pons add to the family entertainment value and the beauty of high school sporting events; and

Whereas, the event promotes the necessity and value of teamwork and strengthens the spirit of competition;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 11, 1996, as POM PON APPRECIATION DAY in Illinois.

Issued by the Governor July 12, 1996.

Filed by the Secretary of State July 19, 1996.

96-351

WELCOME WAGON WEEK

Whereas, Welcome Wagon celebrates its 68th anniversary in July 1996; and

Whereas, Welcome Wagon is the original in-home greeting service that helps families adjust to new communities in Illinois and across the country; and

Whereas, Welcome Wagon encourages neighborhood involvement, strength and pride; and

Whereas, Welcome Wagon promotes good will, helpfulness and a solid sense of community among our new and long-standing residents by extending the warm hand of hospitality to new movers, newly engaged couples, new parents, and new citizens;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 22-28, 1996, as WELCOME WAGON WEEK in Illinois.

Issued by the Governor July 12, 1996.

Filed by the Secretary of State July 19, 1996.

96-352

CHILD AND YOUTH CARE WORKERS WEEK

Whereas, professional child and youth care workers provide, directly or indirectly, for the nurturance, treatment and support of children and youth in treatment centers, hospitals, institutions, day care programs, community centers, schools and homes; and

Whereas, the dedicated to taking an active and responsible role in meeting the regular and special needs of the children in their care; and

Whereas, in Illinois, the more than 5,000 child and youth care workers contribute not only to the well-being of their charges, but to the economy and welfare of the entire state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 22-28, 1996, as CHILD AND YOUTH CARE WORKERS WEEK in Illinois in recognition of their Midwest Regional Child and Youth Care Conference.

Issued by the Governor July 16, 1996.

Filed by the Secretary of State July 19, 1996.

96-353

HOUSEKEEPERS WEEK

Whereas, the National Executive Housekeepers Association was organized on November 1, 1930, as a non-profit organization represented in all 50 states; and

Whereas, the National Executive Housekeepers Association, Inc. is a professional organization committed to a cleaner, safer, and healthier environment; and

Whereas, this common purpose is supported and communicated to members, the public, and other organizations through leadership, education, and research;

Whereas, the National Executive Housekeepers Association has assembled trade shows and workshops in order to strengthen their membership; and

Whereas, this year's National Housekeepers Week, "Vision-Progress-Success," serves notice that housekeepers do play a valuable role in our society not only toward a healthy home but a prosperous community; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 8-14, 1996, as HOUSEKEEPERS WEEK in Illinois.

Issued by the Governor July 16, 1996.

Filed by the Secretary of State July 19, 1996.

96-354

VILLAGE OF LISLE/ISLE AREA CHAMBER OF COMMERCE COMMEMORATED

Whereas, the Village of Lisle is celebrating its 40th anniversary of incorporation; and

Whereas, the Lisle Area Chamber of Commerce is celebrating its 20th anniversary; and

Whereas, both the Village and Chamber have furthered the quality of life in their community and state; and

Whereas, they are acknowledging these milestones and accomplishments at a formal Dinner Dance on January 19, 1997; and

Whereas, it is right and proper that we express our congratulations;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend the VILLAGE OF LISLE and the LISLE AREA CHAMBER OF COMMERCE on their anniversaries and offer my best wishes for continued success and prosperity.

Issued by the Governor July 16, 1996.

Filed by the Secretary of State July 19, 1996.

Rules acted upon during the quarter of July 1 through September 30, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 952 published in Issue 2 will be listed as 50-952-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217/82-4414 or jurnal@cap.state.il.us (Internet address).

PROPOSED	89-553-31	77-900-30
	2-1631-30	77-3100-28
	8-40-28	80-300-28,30
	8-75-28	80-3000-28
ADOPTED	8-85-28	83-441-28
	8-105-28	86-130-28
	8-110-28	86-500-30
	8-115-28	86-660-30
	8-116-28	89-114-30
	8-130-30	89-140-28
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ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET.
____1977-1978____1979____1980____1981____1982____1983____1984____1985____1986____
____1987____1988____1989____1990____1991____1992____1993____1994____1995____

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.
____1981____1982____1983____1984____1985____1986____1987____1988____1989____

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.
____1984____1985____1986____1987____1988____1989____

CUMULATIVE/SECTIONS AFFECTED INDICES @\$5.00 EACH.
____1990____1991____1992____1993____1994____1995____

BACK ISSUES OF THE ILLINOIS REGISTER (CURRENT YEAR ONLY) @\$10.00 EACH.
____(VOLUME #)____(ISSUE #)____(ISSUE DATE)____

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)
____NEW____RENEWAL____

ANNUAL SUBSCRIPTION AND SUPPLEMENT TO THE ILLINOIS ADMINISTRATIVE CODE; PUBLISHED QUARTERLY @\$290.00
____1996 CODE & 2 SUPPLEMENTS____QUANTITY____

TOTAL AMOUNT OF ORDER: \$_____
____CHECK____VISA____DISCOVER____CARD # :____

EXPIRATION DATE:____SIGNATURE:____
(IF CHANGE OF ADDRESS, PLEASE LIST BOTH THE OLD AND NEW ADDRESS:____

(NAME, PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:

GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

